



**REGULAR OF THE
CHARTER TOWNSHIP OF COMSTOCK PLANNING
COMMISSION**

**THURSDAY, AUGUST 13, 2026 at 6:00 PM
NOTICE AND AGENDA
5858 KING HIGHWAY
COMSTOCK TOWNSHIP HALL**

Call to Order

Pledge of Allegiance to the Flag of the United States of America

Approval of Agenda

Citizen Comment

A citizen may state their name and address and may speak only one time, for no more than three (3) minutes. This time may not be given to another citizen to extend their time. The person speaking has the floor and no other citizen shall speak during someone else's time. During this time, you will be making statements to the Board, without discussion from the Board members, but you are welcome to make an appointment with Planning & Zoning staff to discuss your comments further. Please keep comments clean and respectful.

Approval of Minutes

July 23, 2026 Meeting Minutes - Draft.

New Business

Public Hearing

Swan Energy / Cygnet Energy - Battery Energy Storage System (BESS) Facility.

Old Business

Any Other Business

Proposed Text Amendment - Comstock Center District - Foster Care Emergency Shelter

Citizen Comment

A citizen may state their name and address and may speak only one time, for no more than three (3) minutes. This time may not be given to another citizen to extend their time. The person speaking has the floor and no other citizen shall speak during someone else's time. During this time, you will be making statements to the Board, without discussion from the Board members, but you are welcome to make an appointment with Planning & Zoning staff to discuss your comments further. Please keep comments clean and respectful.

Updates from Other Boards

Training Updates

Training Updates

Informational/Future Action Items

Supplemental Documents - Swan Energy / Cygnet Energy.

Planning Commissioner Comments

Adjournment



MEMO

Charter Township of Comstock Planning Commission August 13, 2026

From: Kyle Mucha, Principal Planner

Re: July 23, 2026 Meeting Minutes - Draft.

Consideration of the draft July 23, 2026 meeting minutes for approval.

Attachments:

[2026_0723 Comstock PC Minutes - DRAFT.pdf](#)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

**COMSTOCK CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF MEETING HELD JULY 23, 2026**

A meeting of the Comstock Charter Township Planning Commission was held on Thursday, July 23, 2026 at the Comstock Township Hall beginning at 6:00 p.m.

Members Present: Amber Lawrence, Chair
Larry Nichols, Vice Chair
Sandy Bloomfield, Treasurer
James Criteser, Secretary
Greg Nowak

Members Absent: Joseph Weintraub

Township Personnel: Township Attorney Rob Thall, Township Planner Kyle Mucha, Parks Director Katie Bush, Fire Chief Matt Beauchamp, Fire Marshal Mike Kessler, Township Engineer Mike Presta.

General Public: approximately 24.

Call to Order

Chair Lawrence called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Pledge of Allegiance was recited.

Approval of Agenda

Bloomfield motioned, with support from Criteser, to approve the agenda as presented. Upon voice vote, motion carried 5-0.

Citizen Comment #1

1. Citizen 1: expressed concerns with personal water wells and the impact a battery facility may have on groundwater. Opined that noise generation from the facility may be detrimental to area residents. Requested clarification as to the liability of the project and construction activities which may impact adjacent residential dwellings. Request clarification as to the reason behind two (2) companies / operators and not a single entity.
2. Citizen 2: Addressed general concerns and clarification requests pertaining to the proposed battery energy facility.
3. Citizen 3: Expressed concerns with fire and explosion risk, noise and light pollution, property value impact and site restoration expectations.



Approval of Minutes

Lawrence motioned, with support from Nichols to approve the July 9th meeting minutes, with the correction of adding the 'vice chair' title to Larry Nichols under *members present*. Upon voice vote, motion passed 5-0.

New Business

1) 67 Van Bruggen – Special Land Use – Wireless Communications Facility

Introduction

Mucha provided a summary of the supplemental documents presented by the applicant, at the request of the Planning Commission on July 9th. The applicant had provided language for decommissioning as well as a financial bond for such work. Staff noted that the bond and decommissioning language continue to be reviewed by the Township Attorney.

Bloomfield noted that at the request of the Commission, the proposed project was brought to the attention of the Township Board for consideration in light of the tower location immediately adjacent to Fire Station #9-3. Bloomfield noted that no significant concerns were raised at the Board level.

Mr. Leland Calloway, representing the applicant, was present to address any additional concerns of the Commission.

There being no further discussion, Nowak motioned, with support from Bloomfield, to **approve the special land use and site plan**, with the following condition:

- i. The decommissioning language be reviewed and approved by the Township attorney.

Upon roll call: Nichols – Yes; Nowak – Yes; Bloomfield – Yes; Criteser – Yes; Lawrence – Yes. Motion passed unanimously, 5-0.

2) Swan Energy, LLC & Cygnet LLC – Battery Energy Storage System Presentation

Introduction

Representatives from Copenhagen Infrastructure Partners (CIP) representing Swan Energy / Cygnet Energy provide a presentation before the Commission and members of the general public as it related to the proposed 400 megawatt (MW) site, to be located at the commonly known property – Hickory Ridge Golf Course – located adjacent to E. Michigan Avenue. Representatives divulged information pertaining to site selection, noise control, stormwater management, natural feature preservation, historical / cultural importance findings, setbacks from adjacent residential dwellings and the logistics of developing the overall project, under two phases (Swan & Cygnet), but maintained under the ownership of CIP.

Staff Findings

Upon conclusion of the informational sharing portion of the meeting, the Commission invited review experts to address those present as it related to their findings; preliminary findings and statements were given by the following members, including general dialogue with the Commission as it pertains to these specific topics:



- 1 a. Parks Director Bush: sought clarification as to the intent of the 100+ acres of land that will not
2 be developed as part of the 400 megawatt site. Director Bush noted that with limited full time
3 park staff, inheriting 100+ acres of recreational space will require significant due diligence
4 and analysis. CIP representatives noted that further discussion will take place with Parks
5 staff, should the project be approved; CIP noted that to establish firm ideas for the site at this
6 stage of review seems premature, given that the general public has not had a chance to
7 provide insight as to the desires of the community for this particular space. Further, CIP noted
8 that additional review in terms of ownership, maintenance costs of the facility, and specific
9 improvements would happen in conjunction with the Parks Director; however, given that the
10 recreational component would not be established until the project came closer to operation,
11 many ideas are preliminary and require additional scrutiny and conversations.
12
- 13 b. Township Engineer Presta: Presta provided a synopsis of items that engineering reviews for,
14 which includes stormwater management, topography analysis and site-specific modifications
15 to address utility connections (if any). Presta noted that CIP has continued to work in good
16 faith with Engineering. As of the date of this meeting, Presta did not note any significant
17 concerns or items that warranted further discussion and scrutiny.
18
- 19 c. Comstock Fire Department: Chief Beauchamp and Fire Marshal Kessler next addressed the
20 Commission. Beauchamp summarized a letter provided to the Commission and the applicant
21 detailing the equipment and training needs that would strengthen the Fire Department's
22 ability to safely and effectively respond to potential hazards:
23
- 24 i. Self Contained Breathing Apparatus (SCBA) Systems;
 - 25 ii. Air Monitoring Equipment;
 - 26 iii. Thermal Imaging Cameras
 - 27 iv. Drone Program
 - 28 v. Personal Protective Equipment / Turnout Gear
 - 29 vi. Training and Site Familiarization
- 30
- 31 Fire Marshal Kessler gave an overview of the site review, noting that the project was
32 reviewed for compliance with NFPA 1 and NFPA 855. Further, brief discussion was held
33 regarding the two access points within the site, as well as the drive width being increased to
34 25 feet, in order to accommodate joint-mutual-aid apparatus, should support from
35 surrounding communities be needed on this site.
36
- 37 d. Planner Mucha: noted that the project has been reviewed against site plan, special land use
38 and the battery energy storage system ordinance provisions. Further analysis of the site for
39 compliance was recommended to be undertaken at a later date due to the length of the
40 analysis. Mucha also noted that because this is considered a special land use, a 300-foot
41 notification boundary needs to be established for the public hearing, scheduled for August
42 13th. Because of the level of interest in this project and battery energy storage systems in
43 general, Mucha indicated that property within a 1,000 (one-thousand) foot radius of the
44 subject site would receive a notice of the hearing. For clarification, Mucha noted that if a
45 property were to be outside that radius, for example 1,001 feet away, the radius map would
46 not collect that parcel for mailing notification.
47

48 Discussion

49 General discussion amongst the Planning Commission, project representatives and Township staff
50 ensued. Chair Lawrence reiterated that no decisions were to be made during the meeting and that
51 said meeting was for informational purposes only.
52

53 Bloomfield inquired about the need for a siren on the site, in order to alert area residents, should
54 there be an issue or emergency situation. Representatives of the project - employed by Jensen-



Hughes [fire protection engineering and risk analysis] spoke to the positives and negatives of alert sirens. The Commission discussed sirens and their applicability to the subject site, in coordination with the Township Fire Department and the applicant's Fire Risk Alliance personnel. Chief Beauchamp noted that the Kalamazoo County Emergency Management Office is also providing experience and subject matter expertise as it relates to the emergency and fire safety action plan.

Bloomfield noted that some of the material submitted for consideration included inaccurate street names, and requested that those be revised for future meetings.

The Commission inquired about the impact such a facility may have on adjacent property values. Chair Lawrence requested that comparable projects of this size be presented at a future date to the Commission detailing property values before the project was established and after the project came online. The Commission also requested further information on property values of the subject site, should the project be established; Mucha indicated contact with the Township Assessor would take place, seeking what information may be available pertaining to this request.

Mucha requested that the applicant and their team provide a response to the questions raised by the public, as well as those delivered during the meeting by an area resident. Such response would then be made public to any interested persons. The applicant's team agreed to provide a FAQ sheet based on common comments received.

There being no further general discussion, the Commission thanked the applicant for the level of detail that went into their submission and look forward to the public hearing on the 13th.

Continuing/Old Business

None

Any Other Business

None

Citizen Comment #2

The following members of the general public spoke:

1. Citizen 1: Expressed desire for clarification on environmental and community impact regarding the battery energy facility and asked for continual review of the project for compliance.
2. Citizen 2: Requested a documented timeline for evacuation before area residents are considered to be at high risk of danger.
3. Citizen 3: Expressed concern for the safety of the recreational use and access to the site, should an event occur with the battery energy storage facility.
4. Citizen 4: requested further details be shared regarding the retention pond design, school evacuation plans, purpose of water containers on site and the payment of taxes for such a facility.

Updates from Other Boards

None



Training Updates

Mucha noted that the Michigan Association of Planning Annual Conference will be held once again in Kalamazoo this fall and indicated that if a commission member is interested in attending, to please notify staff of such.

Informational/Future Action Items

The Commission noted that future text amendments pertaining to allowing temporary/emergency placement of children as a use in the Comstock Center will need to be undertaken in the coming meetings.

Planning Commissioner Comments

Chair Lawrence opened the floor to members:

- a. Lawrence: None.
- b. Nichols: None
- c. Bloomfield: None
- d. Criteser: None
- e. Nowak: None
- f. Weintraub: *absent*

Adjournment

There being no further business before the Planning Commission, Chair Lawrence adjourned the meeting at 8:27 p.m.

Prepared by: Kyle Mucha, AICP – Township Planning Consultant

Minutes prepared: July 29, 2026

Minutes approved:



MEMO

Charter Township of Comstock Planning Commission August 13, 2026

From: Kyle Mucha, Principal Planner

Re: Public Hearing
Swan Energy / Cygnet Energy - Battery Energy Storage System (BESS) Facility.

To hold a public hearing on the proposed special land use for the establishment of a Battery Energy Storage System (BESS) Facility.

Proposed project material may be found on the Township website [comstockmi.gov/planning-commission] or by viewing the July 23, 2026 Planning Commission agenda packet.

Attachments:

[CIP BESS Review #2 2026_0708.pdf](#)
[Fire Comments June 25 2026.pdf](#)
[Fire Equipment Needs June 25 2026.pdf](#)
[Comstock Twp Assessor Communication_Redacted.pdf](#)
[Memo 3 - Battery Energy System Interim Guidance Memo.pdf](#)
[2023-PA-0233 Alternative Energy State Legislation.pdf](#)



MCKENNA

Memorandum

TO: Swan Energy Storage; Cygnet Energy Storage
CC: Comstock Charter Township Planning Commission

FROM: Kyle Mucha, AICP, Principal Planner – Comstock Township Planning

SUBJECT: **91 N 30th Street – Battery Energy Storage System Facility – Review #2**

DATE: July 8, 2026

To Swan Energy & Cygnet Energy,

On behalf of Comstock Charter Township, McKenna has reviewed the application, site drawing and supporting documentation for the establishment of a *battery energy storage system (BESS)* facility at 91 North 30th Street. The submission material has been reviewed against the provisions of the Township's Zoning Ordinance and Battery Energy Storage System Ordinance.

PROJECT SUMMARY

The applicant seeks to establish a battery energy storage system on two (2) parcels, and to be constructed in two (2) phases. The developed land area will be approximately 49.91 acres of the 140 acre site, based on site plan data. The applicant seeks to construct a facility that has a capacity of 400 MW (megawatt).

The subject parcels are currently zoned R-1C. Per Section V of the Township's BESS Ordinance, a battery energy storage system is considered a special land use in any zoning district on a parcel(s) of at least 140 contiguous acres. “



HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



FINDINGS OF FACT

The applicant proposes to construct a 400 mega-watt battery energy storage system. Civil plans (site plans), electrical plans, emergency response guide, hazard mitigation, tree preservation and other required documents have been submitted for consideration. McKenna has reviewed the submitted material against the requirements of the Township's Battery Energy Ordinance, Site Plan review criteria and Special Land Use criteria. **Findings** have been identified in bold, with areas that need further clarification and/or additional information have been underlined and are outlined in the table below:

Ordinance Standard	Compliance	Comments
SITE PLAN REVIEW		
Zoning and Use	Waiver requested from Planning Commission	Section 1
Schedule of Regulations	Waiver requested from Planning Commission	Section 1
Landscaping and Screening	Planning Commission determination needed	Section 3
Storm Water Management	See Engineering Review(s)	Section 4
Off-Street Parking	Additional Review due to undetermined nature of open space – Parks and Recreation	Section 4
Exterior Lighting	Complies	Section
BESS STANDARDS		
Height	Complies	Section A
Fencing	Complies	Section B
Sound	Complies – sound walls proposed	Section C
Lighting	Complies	Section D
Signage	Complies - requires review by Fire and Engineering	Section E
Landscaping	Planning Commission determination needed	Section F
Access Maintenance Drives	Confirm use of crushed gravel Additional Review from Fire	Section G
Impermeable Surfaces	Confirm use of crushed gravel	Section H



	Additional Review from Fire	
Stormwater Management	Additional Review by Township Engineer	Section I
Installation and Operational Safety	Additional Review by a 3 rd Party	Section J
Repair and Augmentation	Applicant agrees to comply	Section K
Public Safety	Additional Review by Fire	Section L
Environmental	Additional Review due to presence of endangered Indiana Bat	Section M
Decommissioning and Removal	Additional Review by Township Legal Counsel	Section N
Special Land Use and Site Plan Application	Additional Review by Fire and Engineering	Section O
Waiver	Additional Review by Planning Commission	Section P
Modifications	Applicant agrees to comply	Section Q
Community Host Agreement	Provision of monies, an agreement is required	Section R
Building Permit or Construction	Pending dependent on plan approval	Section S
On-Site BESS	Complies	Section T
SPECIAL LAND USE STANDARDS		
Harmony with Zoning Code	Determination to be made by Planning Commission	Section 1
Harmony with Existing Character	Additional Review Considerations	Section 2
Essential Character	Additional Review Considerations	Section 3
Hazardous or Disruptive	Additional Review Considerations	Section 4
Adequate Public Services and Facilities	Additional Review Considerations	Section 5

The proposed project offers significant investment within the community; as such, careful consideration of the site plan review criteria, special land use review criteria and supplemental use criteria is warranted. The Planning



Commission is advised to review the findings listed within the planning analysis, engineering report and fire response and dialogue with the applicant to determine if all provisions have been satisfied in compliance with adopted standards.

Further, there have been hundreds of pages of documents submitted for review; it is not anticipated that the Planning Commission will become experts on the entirety of the submission materials. Should the Commission have questions on any of the review provisions or regulations for approval, those can be further discussed during a public meeting with the applicant.

Respectfully submitted,

McKENNA

Kyle Mucha, AICP
Principal Planner/Township Planning Consultant

Disclaimer: McKenna has been retained by the Charter Township of Comstock to conduct planning and zoning reviews, as well as administer support to the planning & zoning department. McKenna is not associated with the applicant in any manner.



Site Plan Review

SUMMARY

Standards for Site Plan Review are set forth by Section 6.1 of the Township's Zoning Ordinance. The proposed project has been reviewed for compatibility with the Township's Zoning Ordinance, Master Plan, existing site conditions, and sound planning and design principles. We offer the following comments for your consideration; underlined items require additional discussion and/or identify outstanding items to be addressed. A summary of our findings is shown in the table below.

1. ZONING & USE

The subject site's underlying zoning district is R-1C, Cluster Housing. The Township's BESS Ordinance permits the establishment of a facility in the Overlay District. The Overlay District is established wherein a battery energy storage system large off-site [facility] is a special land use in any zoning district on a parcel(s) of at least 140 contiguous acres and meeting the additional requirements in Article 4, Section 4.61. Further, the Overlay District states that *"at least 100 acres must remain open space or can be offered by the applicant for public recreation indoor or outdoor uses. Subject to Township Planning Commission approval, as part of the special land use approval, the open space/public recreation may be split off from the facility parcel with proper assurances but shall still count towards the Township district aggregate"*.

Location	Existing Land Use	Zoning District
Subject Site	Recreation	R-1C, Cluster Housing
North	Undeveloped Utility Substation	AGR, Agricultural Residential R-1A, Single Family
South	Low Intensity Manufacturing/Industrial Residential Housing	LM, Light Manufacturing R-1C, Cluster Housing B-33, General Business
East	Residential Housing (large lot)	R-1C, Cluster Housing
West	Residential Housing (large lot)	R-1C, Cluster Housing

Review: the applicant submitted additional materials dated June 8, 2026. The following materials were submitted by Stephen Estey of Zausmer (applicant legal counsel and signed applicant for the project): 1) a narrative with exhibits. 2) An updated Zoning application with a Zoning Compliance Letter and exhibits. In all 502 pages of materials were submitted dated June 8, 2026. The applicant is seeking a waiver to the requirements of 4.61 which require 140 contiguous acres. The Planning Commission should determine at the outset of the



discussion if this waiver should be granted prior to discussion of the other factors of the application. The applicant provided the following information regarding the proposed waiver:

“Because the Project phasing will result in two 20 acre components owned by separate entities, the Applicant seeks a waiver under Article 4, Section 4.61(B)(21) to allow for establishment of a BESS in a parcel less than 140 contiguous acres as currently required under Article 3, Section 3.1.T. Again, while the total acreage of the Applicant’s Property exceeds the 140-acre minimum requirement, the actual BESS facility will sit on 39.22 acres of the Property, split into two components of 16.95 acres (Swan) and 22.27 acres (Cygnet). The Project will designate 105.06 acres of the Property as open space for future recreational use. The Applicant remains committed to working with the Township in good faith to identify the most appropriate recreational use and implementation structure for the space.”

2. SCHEDULE OF REGULATIONS

Article 4.61 sets the standards for setback provisions of battery energy storage systems. The following table details the requirements as stipulated by said ordinance standards:

Findings.

Requirement Type	Required	Proposed	Comments
Minimum Lot Size	140 (Contiguous)	Parcel 1: 39.90 Acres Parcel 2A: 78.49 Acres Parcel 2B: 29.10 Acres Total: 147.49	The applicant has requested a <u>waiver</u> to this standard due to the placement of the BESS. The acreage is not contiguous as required.
Minimum Lot Width	No minimum	NA	Existing Parcels
Occupied Community Buildings Setback	300 feet	0.1 Miles (>500 feet)	Per narrative – nearest residential use is approximately 0.1 miles east and south
Public road right-of-way	100 feet	>500 feet	Facility proposed on northern portion of subject site(s)
Property line	50 feet	>100 feet	Units shown to be >100 feet away from property boundaries
Sensitive Land Uses	2,000 feet	>2,000 feet	Site plan notes 2,000 foot radius from sensitive land use outer wall (green dashed line)



3. LANDSCAPING AND SCREENING

Per 5.4(C)(1) Portions of the site not devoted to floor area, parking, access ways or pedestrian use shall be landscaped with live plant material consisting of deciduous canopy and coniferous trees, understory trees, shrubs, ground cover, and grasses and maintained in a neat and orderly manner.

Parking lot landscaping shall be designed and situated to define safe access and circulation routes, provide shade and visual relief, and diminish the scale of large lots.

Landscape features, including end islands, peninsulas, and strips shall be installed in the interior of parking lots to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make 90-degree right turns without encroaching upon landscaping or adjacent traffic lanes.

A. Site landscaping.

The application materials include a tree preservation plan (Sheet TP201), noting that there are approximately 7,047 trees on site. The applicant proposes to remove approximately 1,357 trees for site development. The subject site will then retain an approximate 5,690 trees. The following graphic provides a visualization of the tree preservation plan for the subject site. The green coloring notes trees to be saved, with the red coloring those that are proposed to be removed.

Based on the proposed tree retention plan, the application material promotes the spirit of retaining existing trees to the extent possible. Additionally, given the number of trees to be preserved, and in accordance with the Township's Landscaping provisions, tree credits can be awarded; the Planning Commission is encouraged to review the proposed preservation plan and determine if the retention of some 5,690 trees meets the spirit of the ordinance.

B. Parking lot landscaping.

The minimum size of any landscaped area shall be 300 square feet, with a minimum width of 15 feet. Further, parking lot landscaping is based on the number of spaces. Given that the site proposes 10 spaces, 15 square-feet of landscaped area is required per space, with a total of 150 square feet.

The number and type of plantings shall be determined at a rate of one (1) deciduous canopy tree and two (2) low growing shrubs per 300 square feet of interior landscaping.

Findings: It is anticipated that once the two systems are fully operational, the need for on-site parking will be limited to maintenance vehicles and service technicians. Unlike other industrial uses, battery energy facilities do not employ a significant number of staff, as these systems are designed and operated remotely. Therefore, parking for the facility itself is found to be generally not applicable.

Separately however, is the parking requirements for any open space and recreational use. Dependent on the type of recreational use proposed for the remaining acreage, additional landscaping may be required, in accordance with the Ordinance.



Additional parking lot landscaping may be required, subject to determination of the type of open space / recreational use that is proposed. The property most recently was used as a golf course. The application materials do not indicate that there has been a discussion with the Parks and Recreation Department to assume the proposed 105.6 acres of open space. In the application the applicant made the following statement regarding the proposed open space:

“At least 100 acres must remain open space or can be offered by the applicant for public recreation indoor or outdoor uses. Subject to Township Planning Commission approval, as part of the special land use approval, the open space/public recreation may be split off from the facility parcel with proper assurances but shall still count towards the Township district aggregate.”

RESPONSE: This requirement is met. The Applicant will be designating 105.06 acres of the Property as open space/recreation or outdoor uses pursuant to the Ordinance. The Applicant recognizes the Township's interest in the meaningful and durable community benefit that this lands provides. The Applicant further remains committed to working with the Township in good faith to identify the most appropriate recreational use, access rights, and implementation structure for this space. The Applicant proposes that the specific details such as type, scope, design, ownership structure, construction timeline, and other implementation details for the recreational use be set through a separate joint development agreement or similar mutual acceptable mechanism after the Project advances through the planning and zoning approval.”





4. STORM WATER MANAGEMENT

- A. 5.8.A.6 Stormwater management and soil erosion control plans of a site being clear cut shall be subject to review and comment by the Township Engineer. If it is determined that the erosion control measures either proposed or implemented by the applicant do not satisfy the general provisions described below, the Township reserves the right to place additional requirements on the clear cutting permit to rectify such deficiencies.

The applicant is advised that Section 5.8 – Clear cutting of trees – within the Township’s Zoning Ordinance is applicable regarding “*any activity that involves the clear cutting of one or more acres of land*”.

- B. 5.8.B.2.2 To preserve viewsheds along roadways and buffer adjoining properties, a 20-foot-wide buffer area of undisturbed vegetation shall be maintained along roadways and property lines. Clear cutting will not be permitted within buffer areas; however, harvesting of select trees within the buffer area and development of roadways may be permitted with approval from the Planning Commission. This provision shall not apply to sites, that through the site plan review process, are subject to the landscaping provisions of Section 5.4 Landscaping where a minimum 20-foot-wide greenspace will be established along the perimeter of the site.
- C. **Run off of surface water.** Per Section 5.6(F)(3) All structures and land uses hereafter established in the Township shall be established in such a manner as to prevent any additional run off of surface water onto adjoining properties.

Per Sheet C300 Erosion and Sediment Control the applicant proposes discharge to the “Michigan Central Railway ROW” with a “final outfall to Marrow Pond”.

The applicant has provided the following narrative regarding run off of surface waters:

Response: Sheet C300 is in relation to the Phase 1 Erosion Control Plan - which outlines temporary measures that need to be in place before construction/disturbance starts. The note stating the discharge is being routed to Railway ROW and Morrow Pond is a description of the existing runoff condition and anticipated final outlet point. The proposed stormwater runoff from the BESS yard and substation are routed to the on-site detention basin, where it is managed and controlled before discharging from the basin over 1,700' north of the Railroad ROW. Runoff from the proposed access road is routed to roadside swales with permanent check dam controls.

"Per Section 5.6(F)(3) All structures and land uses hereafter established in the Township shall be established in such a manner as to prevent any additional run off of surface water onto adjoining properties."

We have no control over the runoff in the existing condition, but the stormwater management plan proposed will prevent any additional runoff of surface water to adjoining properties. We call out the discharge location to Railroad ROW and Morrow Pond on the Phase 1 Erosion Control Plan to make the reviewer aware that it is an existing condition. Although off-site runoff is inevitable in the proposed condition (it is typical practice to match the existing discharge location, where possible), there will be onsite management and a reduction in peak runoff rates in comparison to the existing condition.



Further review of storm water management has been conducted by the Township's Engineer. Findings and determination will be presented in a separate memorandum.

5. OFF-STREET PARKING

- A. Parking.** Per section 5.2(D)(7) Table of Required Off-Street Parking, details the off-street parking requirements for recreational uses. As previously referenced, the primary use of the site is that of battery energy storage, which does not require significant parking spaces for employees. Further, the narrative provided notes that discussion with the Township will be undertaken regarding what type of recreation the remainder of the site will entail.
- Given that the recreational component has not been identified/depicted on the site plan, calculating parking requirements is not attainable at this time.

Defining the type of recreational use will need to be undertaken in order to determine compliance with this provision. However, given that the proposed facility does not generate vehicular traffic (as a commercial space may), off-street parking for on-site employees is anticipated to be negligible; the Planning Commission may wish to make a determination that the proposed plan set meets the intent of the ordinance.

- B. Layout and Dimensions.** Per the Township's Zoning Ordinance Section 5.2(E)(2) Layout, Construction and Design, parking spaces are required to be 9.5 feet wide, and 20 feet deep. Maneuvering lane width for one-way traffic is required to be a minimum of 14 feet for parking patterns that are between 54 degrees to 90 degrees.

Findings: No apparent note to parking has been established at this time. Clarification regarding parking standards will need to be provided.

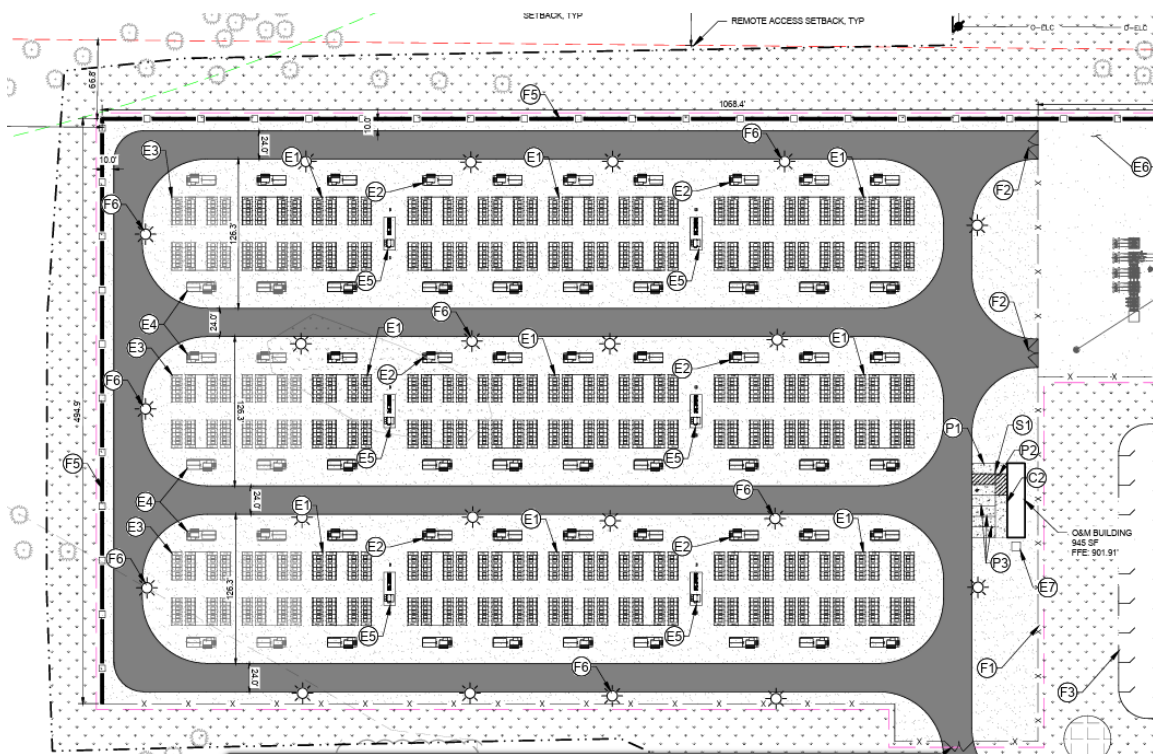
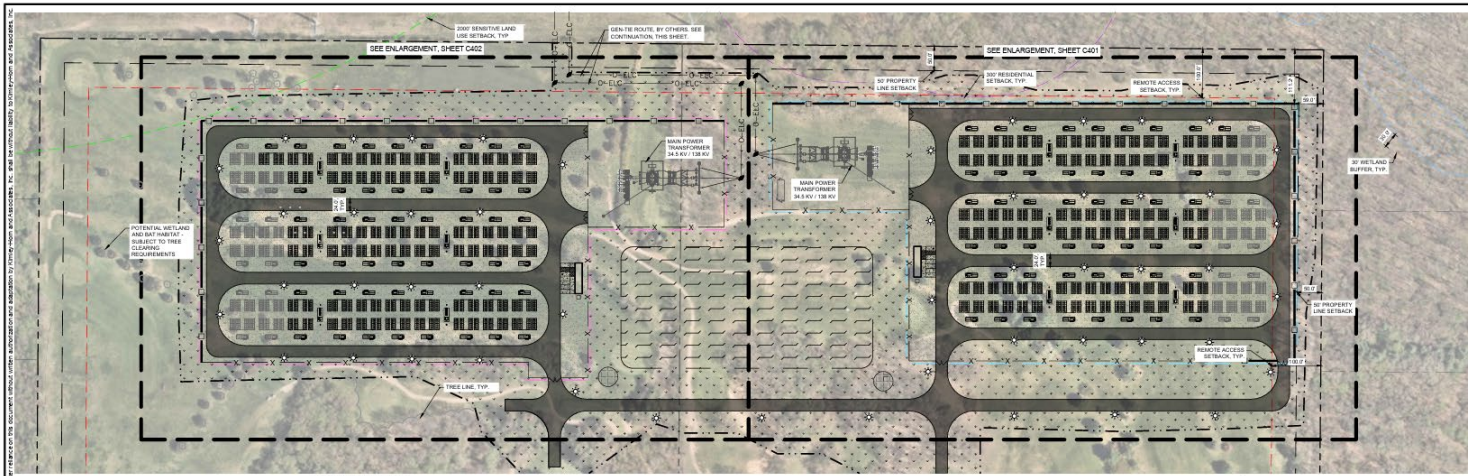
6. EXTERIOR LIGHTING

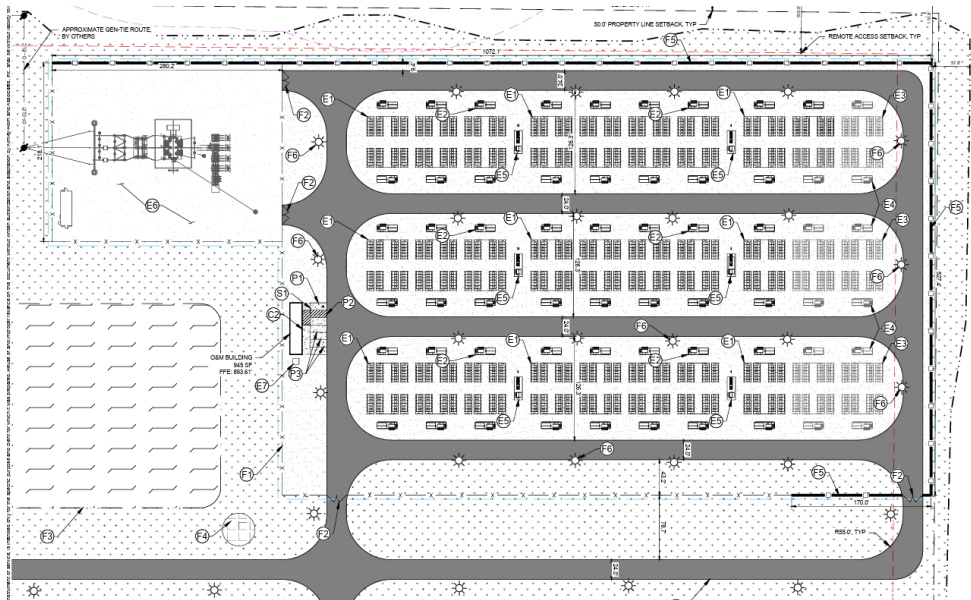
All exterior lighting. The regulations are intended to accomplish the following; Protect the public health, safety and general welfare; Provide for the fair and consistent enforcement of these regulations; Control light spillover and glare; Minimize the detrimental effect of exterior lighting on astronomical observations by the general public; Encourage lighting arrangements which conserve energy; Preserve community character; Provide for nighttime safety, utility, security and productivity.

Sufficient lighting shall be required for parking areas, walkways, driveways, building entrances, loading areas and public areas to ensure the security of property and safety of people. Site and area lighting shall be designed so that light levels do not exceed 10.0 footcandles within the site.

Findings: The narrative submitted notes lighting at the front gate, operations & management building, battery yard and substation. The narrative references that additional lighting may be placed throughout the site in the form of motion activation or light sensitive (evening illumination, daytime non-illuminated). The plan set notes general placement of safety lighting along the access aisles and interior circulation system.

The following graphic, provided by the site plan, notes approximate location of lighting (for a larger image, please defer to sheet C400). A photometric plan has also been submitted within the site plan materials.





7. ADDITIONAL AGENCY REVIEWS & CONSIDERATIONS

Additional supplementary reviews from the Township's Engineer, Township's Fire Authority and any additional third-party reviewing agency will be provided separate memorandums, should their review comments be applicable to this project.

Supplemental Considerations

- A. Given the scope and size of the proposed facility, McKenna encourages the applicant to engage in a dialogue with the Township's Fire Authority to establish an identifiable grid-like system on both sites. Such grid system would be visible from aerial drones, listing an alphanumeric value along one axis of the site, and Arabic numerals along the other axis of the site. Such system would allow for ease of reference to emergency responders and monitoring call center technicians.
- B. In tandem with the proposal above, McKenna further encourages the applicant to place Arabic numerals on the containers themselves, allowing for visual reference when viewing the facility from the exterior of the property or if circumstances warrant, interior access.
- C. Per Section 5.6.B.1 stormwater management/soil erosion plan the Kalamazoo County Drain Commissioner review and approval of a stormwater management and soil erosion control plan shall be obtained and proof of a soil erosion and sedimentation control permit from the Kalamazoo County Drain Commissioner's office shall be provided prior to the commencement of any site/earth changes or work.

As a reminder to the Planning Commission (and public at large) the level of detail and information required for this type of land use is extensive; it is anticipated that further dialogue regarding material clarification will be warranted.



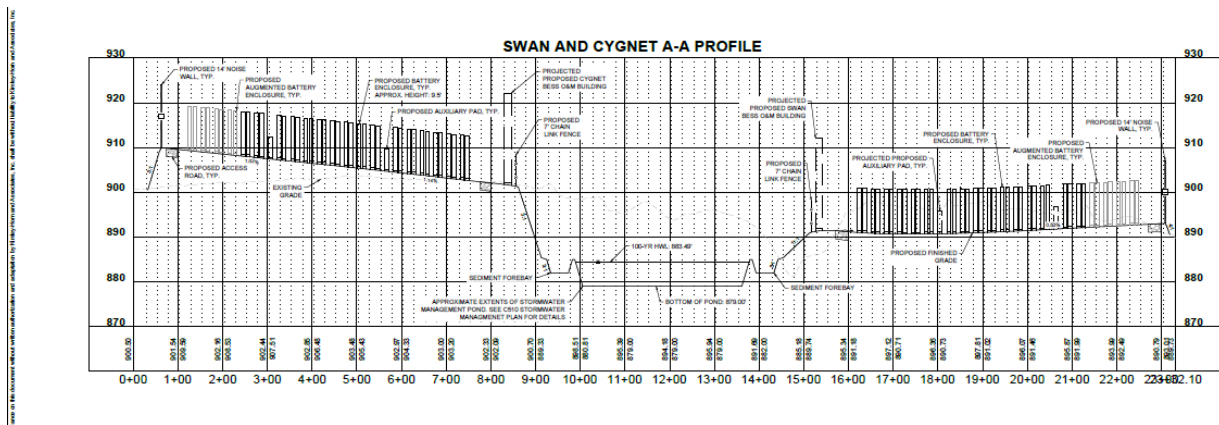


Battery Energy Ordinance Standards

Section 4.61 details the requirements for a battery energy storage system. Some components have already been addressed within the site plan review criteria (setbacks, lighting, parking). The remainder of the provisions of 4.61 that are applicable to this review have been noted below.

- A. Height.** *The height of battery energy storage system structures, except for electric distribution and transmission poles, shall not exceed a height of fifteen (15) feet as measured from the natural grade of the property beneath the structure.*

Finding: The narrative provided notes “this requirement is met. See Exhibit 3” – please see Sheet C520, a snip of the profile of the BESS is included below. The battery units are less than fourteen (14) feet tall. The proposed sound barrier wall (proposed to be made out of wood) is shown at fourteen (14) feet tall.



- B. Fencing.** *The system shall be completely enclosed with fencing in compliance with the latest version of the National Electrical Safety Code or any applicable successor standard approved by the Michigan Public Service Commission.*

Findings: The applicant proposes fencing to be installed around the perimeter of the battery yard. The fence is shown to be six (6) feet in height, with one (1) additional foot of three-rung barbed wire. Gates are shown to be 24 feet in width. Additionally, the fence diagram calls out a Knox Box – a small, secure container (safe) installed on the outside of buildings, allowing fire departments and emergency services to access keys during emergencies. Based upon the submitted material, this provision appears to be satisfied.



- C. Sound.** *The system may not generate a maximum sound in excess of 55 average hourly decibels measured at the property line of an adjacent non-participating property . Decibel modeling shall use the A- weighted scale designed by the American National Standards Institute.*

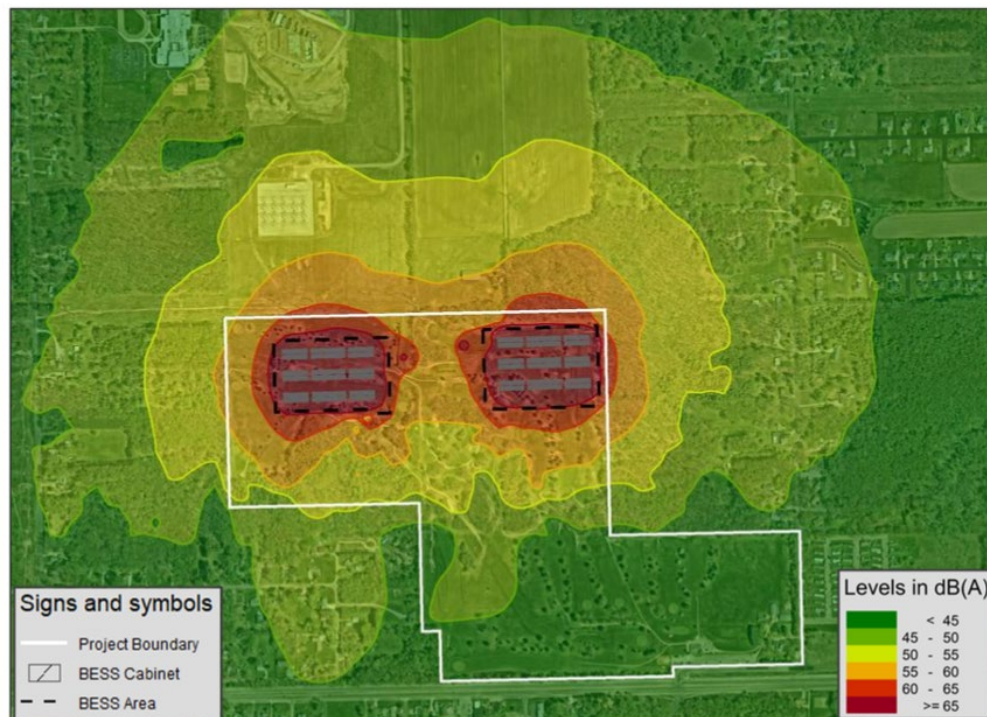
Findings: Sound has been one of the consistent concerns raised by the general public during project overview and introduction; because of this, additional scrutiny is anticipated from the public at-large regarding this specific component of the project. The study provided by *Kimley-Horn*, references “*unmitigated maximum equivalent operational noise levels at the project boundary were estimated to be near or below approximately 63 dB(A) during peak operations; therefore, mitigation is recommended at this time*”.

The sound study notes the following projected levels without mitigation measures:



Swan BESS and Cygnet BESS - Noise Study
March 30, 2026 - Page 7

Figure 3: Anticipated Operational Noise Contours

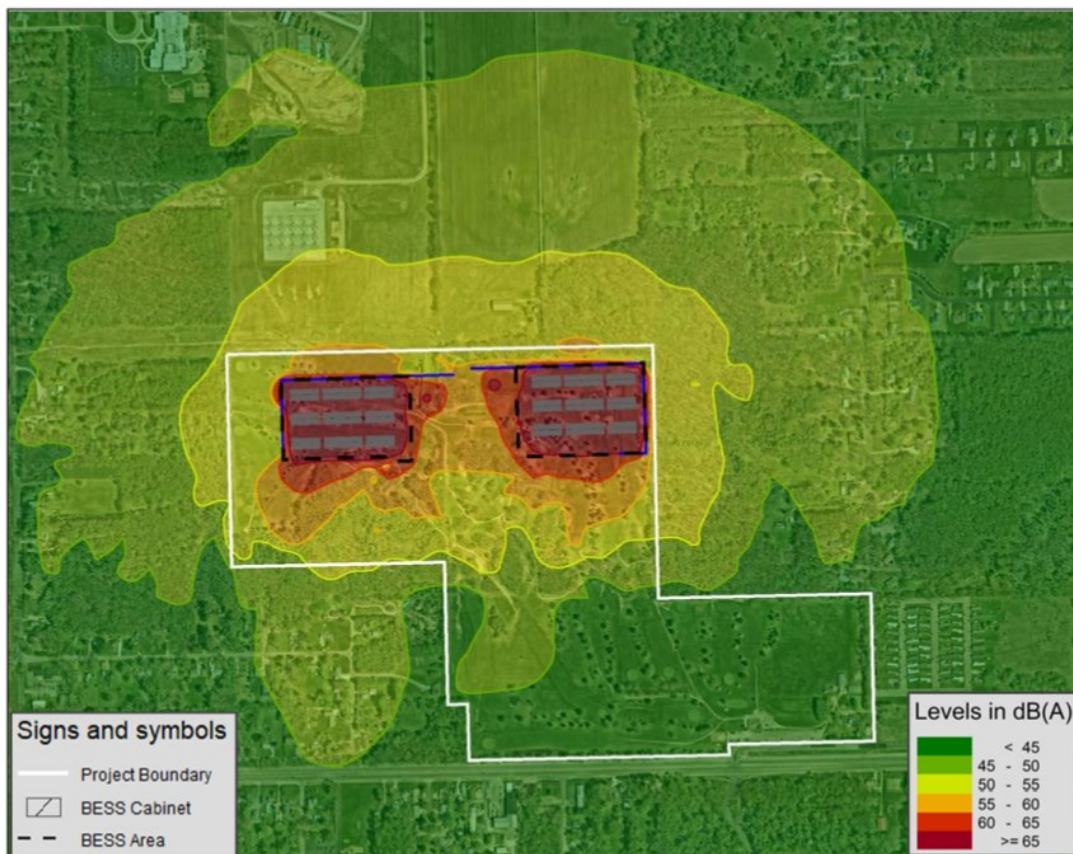


The study further proposes potential mitigation measures in order to reduce the anticipated noise levels from 63 dB(A) to 55 dB(A) or below. The study indicates that *sound walls* along the area would reduce the anticipated on-site operational noise by up to approximately 9 dB(A) at the closest property line of adjacent non-participating properties. The sound wall is proposed to be 14 feet in height and have an approximate length of 3,370 feet (shown in the below figure). The sound wall is proposed to be made out of wood.

While not part of the battery energy storage structure, the 14-foot height of the sound wall is below the maximum height permitted for storage structures (15 feet). It is also important to note that the applicant has determined that noise mitigation is required and has shown the steps in which such mitigation will be undertaken. Therefore, subject to the sound walls being constructed prior to operation of the facility, this provision can be considered satisfied.

Supplementally, the site plan notes the installation of vegetation along the northern boundary of the western facility, which may also mitigate potential noise trespass from the equipment.

Figure 4: Anticipated Operational Noise Contours with Noise Wall





D. Lighting. *The system must implement dark sky-friendly lighting solutions.*

Findings: A photometric plan has been submitted for consideration. The lighting notes provided indicate that light poles will have a height of 25 feet. The narrative provided indicates that on-site lighting will be equipped with sensors, to activate the fixtures during evening hours and discontinue their illumination during daylight hours. The general notes on the lighting plan indicate that illumination levels at the property line will not exceed 0.2 foot-candle.

While minor in nature and not detrimental to this plan review, the lighting plan references compliance with "Township of Gun Plain Charter, Michigan Jurisdictional Standards". Confirmation that the Comstock Charter Township standards will be met is desired.

GENERAL NOTES	
1.	PROPOSED POLE MOUNTED LUMINAIRES TO BE POST TOP MOUNTED ON A 25 FOOT POLE ATOP A CONCRETE BASE FLUSHED MOUNTED WITH THE GROUND UNLESS OTHERWISE SPECIFIED. POLE MOUNTING HEIGHT CHOSEN TO COMPLY WITH THE TOWNSHIP OF GUN PLAIN CHARTER, MICHIGAN JURISDICTIONAL STANDARDS.
2.	CALCULATED VALUES ARE DERIVED THROUGH A COMPUTER BASED MODEL WITH LIGHT FIXTURE DATA AS SUPPLIED BY MANUFACTURER THROUGH IES FILES.
3.	ANY DEVIATION FROM SPECIFIED FIXTURE MODELS AND MOUNTING HEIGHTS IN THIS EXHIBIT WILL DISCOUNT THE VALIDITY OF THESE CALCULATIONS.
4.	NO EXCESS OF 0.2 FOOT-CANDLE MEASURED AT THE PROPERTY LINE.
5.	ALL LUMINAIRE SYMBOLS ARE DIAGRAMMATIC ONLY. CONTRACTOR TO FIELD COORDINATE EXACT LOCATIONS AND SETBACKS AGAINST UNDERGROUND UTILITY AND OTHER OBSTRUCTIONS.
6.	ALL PROPOSED LUMINAIRES SHALL BE DARK SKY COMPLIANT AND SHALL HAVE A CORRELATED COLOR TEMPERATURE (CCT) OF 3000K OR LOWER. LUMINAIRES SHALL BE DESIGNED AND INSTALLED TO MINIMIZE UPLIGHT, GLARE, AND LIGHT TRESPASS IN ACCORDANCE WITH APPLICABLE LOCAL ORDINANCES.

E. Signage. *The following requirements shall apply to the entire system, or to designated components of the system, as indicated:*

- a. *Safety Signage. The system shall post signs in compliance with NFPA 70/70E or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855 7.4.4, or any applicable successor code in place at the time of application for approval, including information on the system type and technology, special hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.*
- b. *Other Signage: Additional signage may be permitted or required by the Planning Commission as is necessary to ensure the safe operation of the system.*
- c. *The facility shall comply with NFPA 855 "Standard for the installation of Stationary Energy Storage Systems" or any current standard adopted by the Michigan Public Service Commission at time of application submission.*



Finding: Submission materials note safety signage to be installed on site. Further review of safety signage will be conducted by the Township Engineer and Fire Department to ensure adequate compliance as it relates to those specific trades. See Sheet C800.

- F. Landscaping.** *The Planning Commission may require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required, if any, on a site- specific basis pursuant to the standards for special land use approval as specified in Section 6.2 the landscaping standards of Section 5.4, and/or the standards for site plan approval as specified in Section 6.1 of this Ordinance, as well as all other applicable sections of this Ordinance. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjoining any residential zoning district classification or residential use.*

Finding: See the proposed landscaping plan. As indicated in the site plan review, the applicant proposes to retain approximately 81% of the existing trees on site – 5,690 of the 7,047. The landscaping plan also notes the installation of new vegetation along the northern portion of the Swan site, with retention of existing vegetation along the Cygnet facility. The property located immediately north of the Swan portion of the facility is owned and maintained by Consumers Energy, as it is part of the transmission distribution line to the electrical substation. Additional screening and vegetation may not be as advantageous, above and beyond what the applicant has proposed. Long term consideration of such vegetation will need to consider its impact on the transmission lines serving the electrical substation and if the installation of additional vegetation will have a positive or negative impact on the operations of substation. See Sheet L100.

- G. Access Management Drives.** *If the system includes an access drive(s) for maintenance purposes, the surface of the access drive(s) shall be permeable (unless on brownfield land or on an already paved surface at the time of application for approval, such as a parking lot or former building foundation.)*

Findings: Based on the provided site plan, the access drive to the facility appears to be composed of permeable materials, based on the symbology. Further documentation references crushed gravel to be utilized throughout the site. Subject to the gravel being reviewed by the Township's Fire Department as meeting the weight standards to support fire apparatus, this provision can be satisfied.

- H. Impervious Pavement.** *Except as otherwise depicted on and subject to approval of the Planning Commission, the area within which the system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water other than for slab foundations for structures and equipment. This shall not apply to a system located on brownfield land or on an existing paved area such as a former building slab or in an unused parking area when adequate parking remains for all other uses on the site.*

Finding: See note above – subject to confirmation from the applicant, this provision appears to be satisfied.



I. Run-off. *All surface water runoff shall be effectively managed on-site.*

Finding: While the Township's Engineer will review the project in greater detail for stormwater management, the application material notes onsite stormwater retention, which is shown to be a shared retention basin, located in the center of the project site. The proposed topography of the site, once fully constructed, notes that surface water will drain towards the retention basin – see Sheet C304. Subject to the final construction of the site, and prior to operation of the facility, this provision appears to have a disclaimer that some runoff will go towards Morrow Lake. This should be further reviewed by the Township's Engineer.

J. Installation and Operational Safety. *The system shall comply with all of the following requirements:*

- a. *The system shall be designed and constructed for interconnection to a Michigan Public Service Commission or Midcontinent Independent System Operator regulated utility electrical power grid and shall be operated with such interconnection.*
- b. *The system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.*
- c. *Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.*
- d. *The system shall be designed, located, and maintained so as to comply with all applicable codes and regulations.*

Finding: compliance with connection requirements more aligns with review by those specific professions/trades; this review does not validate nor invalidate that this provision has been satisfied. The applicant has provided a narrative that describes their compliance with this provision. The Planning Commission could request further documentation noting compliance with this provision from those who are better aligned to evaluate full compliance.

K. Repair and Augmentation. *In addition to repairing or replacing facility components to maintain the system, the facility may at any time be augmented without the need to submit a new site plan so long as the augmentation is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as the original permit. If there is a change in the battery chemistry, an updated Hazard Mitigation Analysis, Fire Response Plan, and Emergency Response Plan shall be provided. When a facility is anticipated to be augmented over its lifetime by adding additional components, the applicant shall apply for the final/augmented site arrangement. A*



proposal to increase the size of the project footprint may be considered a new application, subject to the ordinance standards at the time of the request.

- L. Public Safety.** *The Emergency Response Plan and Fire Response Plan shall provide reasonable protection of the public health, welfare and safety including but not limited to an emergency shutdown procedure in place and shall provide the local fire department site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Upon request, all systems shall provide first responder training at the site.*

Finding: The Township Fire Authority will further review this provision for compliance, as they are better trained and equipped to analysis the documents that are applicable to this section.

To further promote the health, safety and welfare of the community, as well as first responders, McKenna encourages that the applicant and fire authority discuss the ability to create a grid-reference system on both facility sites. Such reference system would be visible from aerial drone usage, as well as from those around the perimeter of the site. Numbering and lettering would be placed along the perimeter of the fence line, as well as numbering placed on each battery unit itself.

Notes on the Emergency Response Guide

The Emergency Response Guide (ERG) provides general information, site layout, battery system precautions, fire response guidelines, fire/explosion protection guidelines, site photos and safety data sheets. Page 4 of the ERG does not list contact information, but references that such information will be finalized and provided prior to the implementation of the guide (pg 5).

The ERG references *oil-filled transformers*, but does not note the number of gallons of insulating oil to be utilized for both the auxiliary transformers nor the MV transformers. Additionally, the ERG notes safety data sheets, but without any content. While it is partially McKenna's understanding that this information will be provided upon selection of equipment, the Planning Commission may consider that as a stipulation of approval, this information is provided prior to either building permit authorization or final certificate of occupancy. A 'trigger' requirement to mandate that this information be provided may be appropriate for further consideration.

- M. Environmental.** *An applicant shall submit an environmental impact analysis that identifies potential impacts of the proposed system on the environment and natural resources and how the applicant intends to address and mitigate these impacts.*

Finding: The applicant has provided an environmental impact assessment of the subject property, with callouts related to the below. The study was prepared by SWCA Environmental Consultants, with their findings synopsized herein. For a full analysis of their report, defer to Exhibit O – Environmental.

- i. Critical Environmental Issues: no environmental fatal flaws identified.
- ii. Cultural Resources: review noted one previously recorded archaeological site within the study area. On site testing was not able to locate said finding nor was the site able to be



- verified by the Michigan State Historic Preservation Office (MSHPO). The applicant notes in their environmental letter that a total of 306 shovel test pits were excavated within the survey area (17 acre region) – all of which were negative for pre and post contact artifacts.
- iii. Aquatic Resources: the study noted that an aquatic resource was located in the western portion of the site. However, it appears to be a low-quality wetland and is present as an isolated feature on the landscape with no significant aquatic features present within 500 feet of its boundary.
 - iv. Threatened and Endangered Species Habitat: SWCA concluded that habitat for one listed species, Indiana bat, is present in the potential project area. However, avoiding the large forested area to the west of the proposed project area and limiting large tree clearing to occur between November 1 and March 31, would result in the project not likely to adversely affect listed species.

N. *Decommissioning and Removal. The system shall comply with all of the following requirements:*

- a. *A Decommissioning Plan, including a Decommissioning Agreement in a form recordable at the Kalamazoo County Register of Deeds, shall be provided and shall address the following:*
 - v. *State the anticipated life of the project;*
 - vi. *Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every third (3rd) year after commercial operation of the system; Township zoning administrator may administratively review and accept estimated decommissioning costs for periodic review;*
 - iii. *Be signed by the party responsible for decommissioning, and shall bind all successors, heirs and assigns;*
 - iv. *Define the conditions upon which decommissioning will be initiated (e.g.; end of land lease, no power storage for 12 months, etc.);*
 - v. *State that all equipment, conduit, structures, fencing, roads, and foundations will be removed to a depth of four (4) feet by the end of the decommissioning period;*
 - vi. *Require property to be restored as near as reasonably possible to the condition it was in prior to the development of the system;*
 - vii. *Describe the timeframe for completion of decommissioning activities;*
 - viii. *Describe any agreement (e.g., lease) with the landowner regarding decommissioning;*
 - ix. *State the party currently responsible for decommissioning; and*
 - x. *Describe any plans or circumstances requiring an update of the decommissioning plan.*

Finding: The decommissioning plan notes an expected project life of 20 years, with the option to reevaluate for continuation or decommissioning at the end of the 20-year period. The plan further outlines the responsibilities, which includes removal of above/below ground cables, equipment, structures, fences and foundations of four (4) feet; restoration of the surface grade; revegetation of restored soil areas; time frame for completion of site restoration work and when the decommissioning plan would take effect.



Page 9 of the decommissioning plan notes that *'all decommissioning activities expected to be completed within 12 months of the project's closure'*. Further, page 11 of the plan, under 3.12 – restoration of site – notes that *"the projects disturbed land will be restored to the original uses before construction. Restoration will consist of re-grading to reestablish the pre-existing topography.* The submission detail notes the area will be returned to a meadow-like state.

- b. *A recorded copy of the Decommissioning Agreement shall be executed and recorded upon issuance of a building permit or if a building permit is not required, within 7 days prior to commencement of construction. A proposed draft of the proposed Decommissioning Agreement shall be provided to the Township within 30 days after special land use approval.*
- c. *Decommissioning shall be completed within 12 months of determination by the Township Board that the system is no longer being maintained in an operable state of good repair, unless the current responsible party provides substantial evidence to the Planning Commission of the intent to maintain and reinstate operation of the system.*

Finding: the decommissioning plan notes completion by 12 months of the project's closure. This provision appears to be satisfied.

- d. *The Decommissioning Plan shall include financial assurance in the form of a trust fund, a bond, or an irrevocable letter of credit as required by the Planning Commission. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the system. Salvage value shall not be included in the estimated cost of decommissioning. The financial assurance must be posted in full (125%) before the start of commercial operation and continuously maintained for the period of the life of the system. The Township must be notified in writing at least 60 days before the bond or other financial surety is set to expire. Failure to provide proper notification and updated bond information is a violation of this ordinance. Notification under this Section must be made to the following Township officials/employees: (1) Supervisor; (2) Clerk; (3) Chair of the Planning Commission; and (4) Superintendent. Notwithstanding anything to the contrary, at all times during construction and prior to commercial operation, financial assurance must be provided in an amount to assure proper decommissioning of the site.*

Finding: The applicant is advised that salvage value shall not be included into the Decommissioning Plan. The Township's Legal Counsel will also review the document for compliance with applicable regulations and to ensure the Township is properly protected from any adverse impacts, should this plan need to be executed.



O. Special Land Use Permit and Site Plan Application Requirements. Applications for special land use permit approval shall comply with Section 6.2 of this Ordinance. A formal application for site plan approval for this land use shall comply with Section 6.1 of this Ordinance. An incomplete application will not be accepted. Each such application shall also be subject to the following additional submission requirements:

- a. The site plan shall be submitted with the special land use permit application.
- b. The submission shall include content responsive to all the following, to the extent not otherwise provided pursuant to the above referenced sections:
 - i. All information and supporting materials relied upon by the applicant to demonstrate compliance with all special land use permit approval standards and site plan approval standards as specified in this Ordinance.
 - ii. A Fire Response Plan and an Emergency Response Plan.
 - a). The Fire Response Plan (FRP) shall include:
 - 1. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc.
 - 2. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - 3. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
 - 4. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
 - 5. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
 - 6. The means by which firefighters and other emergency services personnel can access and shut down the system on an emergency basis. This information shall be provided to the Township or other appropriate agency managing emergency response.
 - 7. A 24-hour emergency contact telephone number for use by emergency services providers.
 - 8. The FRP must meet all requirements of the Clean and Renewable Energy and Energy Waste Reduction Act, as amended, MCL 460.1001 et. seq



9. *Other information the applicant finds relevant.*

10. *Other information the Fire Department finds relevant.*

Finding: the applicant has submitted a fire response plan; as McKenna planners do not hold certification in fire safety nor hazardous substance management/response, deferment to the Township's Fire Authority is appropriate.

iii. *The Emergency Response Plan (ERP) shall include:*

1. *Evidence of consultation or a good faith effort to consult with local first responders and county emergency manager to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.*
2. *An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);*
3. *Emergency response measures by contingency;*
4. *Evacuation control measures by contingency;*
5. *Community notification procedures by contingency;*
6. *An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;*
7. *A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;*
8. *The means by which firefighters and other emergency services personnel can access and shut down the system on an emergency basis. This information shall be provided to the Township or other appropriate agency managing emergency response.*
9. *A 24-hour emergency contact telephone number for use by emergency services providers.*
10. *An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity;*
11. *Other information the applicant finds relevant.*
12. *Other information the Fire Department and County Emergency Manager finds relevant.*

Finding: The applicant has submitted an emergency response guide; further review and analysis of the submitted documents will be conducted by those entities whom have the expertise and certification to review such plan documents.

iv. *A report detailing the sound modeling results along with mitigation plans to ensure that sound*



emitted from the system will remain below the required limit throughout the operational life of the system.

Finding: A sound study has been submitted for consideration. As identified within the site plan review of this comprehensive memorandum, the unmitigated maximum equivalent operational noise levels at the project boundary are shown to be estimated to be near or below approximately 63 dB(A) during peak operations. Such *unmitigated noise* will exceed that permitted by the Township's ordinance.

The sound study notes that a 14-foot sound wall, along the BESS areas in the northern portion of the site is recommended for implementation. Confirmation from the applicant that such sound walls will be installed, prior to any operation of the facility is warranted; the Commission may decide that a stipulation of approval (if granted) could be that such sound wall is installed prior to the initial operation of the facility. Note – it may be appropriate to have such condition be tied with the **first** operational container for energy storage and not the full operation of the entirety of the site.

Diagrams and specifications of the proposed sound wall may also be appropriate, prior to the commencement of operations. The noise study references a 'sound wall' but does not appear to further detail the specifications of such wall and its design parameters.

- v. *Hazard Mitigation Analysis that complies with NFPA 855, as amended.*

Finding: A Hazard Mitigation Analysis report has been provided for consideration; McKenna defers to the Township Fire Authority for additional review considerations and comments.

- vi. *A Groundcover and Vegetation Establishment and Management Plan shall be provided as part of the site plan. Vegetation establishment must include native species and natural seed mixes and may not include invasive plant species or noxious weeds and shall satisfy Section 226(6)(a) and Section 226(6)(b) of Michigan Public Act 233 of 2023.*

Finding: A tree preservation plan and landscaping plan have been provided by the applicant. Landscaping analysis has been conducted during the site plan review process – please defer to comments listed therein.

- vii. *Equipment specification sheet(s) for the system components, if available.*

Finding: Equipment specification sheets have been referenced within the submission material, as well as shown in Exhibit M. Prior to building permit authorization, a final equipment specification sheet(s) shall be submitted.

- viii. *All proposed changes to the landscape of the existing site, including grading, vegetation removal, fencing and vegetative screening. Views shall be minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping or other screening methods that will harmonize with the character of the property and surrounding area while not interfering with ventilation or exhaust ports.*



Finding: Landscaping plans have been provided for review; defer to the site plan analysis portion of this review for further details.

- ix. *Drawings showing the layout of the proposed system, including distances from all existing and proposed structures/buildings and fencing on the site to all lot lines including to all boundaries of a leased site, where applicable, and to all structures/buildings on adjacent nonparticipating properties.*

Findings: Drawings and layout diagrams have been included for review, showing proposed structures and buildings and distances to property boundaries.

- x. *Preliminary Augmentation Plan demonstrating the proposed augmentation phases including which structures/components are expected to be installed and in which time frames shall be provided.*

Finding: The applicant's legal counsel has provided a response letter, which notes the following pertaining to this requirement: *"the applicant acknowledges and will comply with this requirement. If necessary, a Preliminary Augmentation Plan will be provided prior to the issuance of a Building Permit"*. As this appears to be a specific requirement, the applicant will need to provide the preliminary augmentation plan as part of their submission. McKenna notes that such a plan will be preliminary, and subject to additional modifications as engineering drawings are finalized and prepared.

- xi. *The height of all existing and proposed buildings/structures.*

Finding. Please see Sheet C520 for height of the proposed BESS units and the associated fourteen (14) foot tall sound wall. The height for both structures is within the allowed fifteen (15) foot tall height requirement.

- xii. *A preliminary electrical schematic plan for the proposed system, including disconnect and overcurrent devices.*

Finding: A preliminary electrical plan has been submitted for consideration. McKenna defers to the Township's Engineer and electrical inspector for confirmation of compliance with regulations and industry standards.

- xiii. *Preliminary Decommissioning Plan and Decommissioning Agreement as described above.*

Finding: See note in previous section regarding decommissioning.

- P.** *Waiver. The Township Planning Commission shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process upon a finding that such change promotes the health, safety and general welfare of the Township. In addition, the Township recognizes the ever-changing technical capabilities of battery storage infrastructure and of new technology in general, and that changing technology may result in future changes to an approved Battery*



Energy Storage System facility. Minor changes within the footprint of an approved Site Plan and/or Special Land Use Permit, such as, without limitation, modifying battery storage equipment with new technologies, may be administratively reviewed and approved by the Zoning Administrator.

Finding: The applicant's narrative notes a waiver is requested for this provision due to dual ownership of the project. Section V of the BESS Ordinance (Article 3, Section 3.1) states that a *Battery Energy Storage System Large Off-Site is a special land use in any zoning district on a parcel(s) of at least 140 contiguous acres and meeting the additional requirements in Article 4 Section 4.61.* Clarification is requested as to the applicant's desire to have this provision waived; would each facility (Swan & Cygnet) be owned and operated by two separate entities, not having a shared ownership? Further explanation is requested.

Q. *Modifications that increase a facility's footprint or total energy capacity by 10% or more require a new site plan and special land use approval by the Planning Commission. Any increase in energy capacity requires written notification to the Township Zoning Administrator and/or designated personnel at least 30 days prior to the increase in energy capacity. All obligations, including but not limited to the community host agreement and decommissioning agreement, must be updated to reflect the increase in energy capacity. The financial surety shall be increased if there is an increase in energy capacity.*

R. *An executed Community Host Agreement in the amount of an annual payment of \$825 per megawatt of nameplate capacity for 20 years, which shall be executed prior to commercial operation of the Battery Energy Storage System facility. Payment to the Township shall begin upon commercial operation and it shall be the Township's option to require up to 66% of such total payment up front, not to exceed \$2 million.*

Finding: A draft community host agreement has been provided by the applicant. Further review of this document is anticipated to be completed by the Township's legal counsel.

S. **Building Permit or Construction.** *Prior to issuance of a building permit or if a building permit is not required, within 7 days prior to commencement of construction, the following information shall be provided.*

- a. Equipment specification sheets.*
- b. Identification and contact information for the installer(s) of the proposed system.*
- c. Approved Augmentation Plan.*
- d. Approved Decommissioning Plan and Decommissioning Agreement in recordable form and acceptable to the Township Attorney.*
- e. Life expectancy of the system components including the anticipated schedule for battery replacement to maintain megawatts over the system's lifetime.*
- f. Hazard Mitigation Analysis.*



- g. Operation and Maintenance Manual.*
- h. Electrical schematic plan for the system, including disconnect devices.*
- i. An approved FRP and ERP by the Fire Chief.*
- j. Approved Decommissioning Plan, Decommissioning Agreement and proof of financial guarantee for decommissioning.*

Finding: Please defer to earlier sections regarding these requirements; as noted, some documents have not been submitted for preliminary review at this time. Preliminary documents will be needed for consideration.

T. On-Site Battery Energy Storage Systems.

- 1. *On-Site Battery Energy Storage Systems shall be allowed as permitted use in all zoning districts, subject to the provisions of the Zoning Ordinance.*
- 2. *A building permit shall be required for all on-site battery energy storage systems.*
- 3. *On-Site battery energy storage systems with an aggregate energy capacity of more than 1 megawatt are subject to additional regulations in the applicable fire code (NFPA 855, as amended), and required documentation shall be submitted along with the building/electrical permit applications.*
- 4. *Coverage. Lot coverage shall not exceed the otherwise permissible percentage of lot coverage in the applicable zoning district.*
- 5. *Setbacks. All battery energy storage system structures and related structural apparatus not physically attached to a building shall satisfy the setback requirements in the applicable zoning district, but in no circumstance may an on-site battery storage system or any related apparatus be less than 25' from a property line.*

Finding: please defer to earlier sections of this review analysis, which discuss these points in greater detail.



Special Land Use Review

The proposed project has been reviewed against Comstock's Zoning Ordinance and Master Plan. The following comments are offered for your consideration; underlined items require additional discussion and/or identify outstanding items to be addressed.

1. HARMONY WITH ZONING CODE

The special land use shall be harmonious with and in accordance with the general objectives, intent and purposes of this Code.

Findings: The intent of the *battery energy storage system ordinance* “is to establish minimum requirements and regulations for the construction, erection, placement, location, maintenance, modification, operation, and decommissioning of Battery Energy Storage Systems in the Township in a manner that promotes economic development and ensures that the protection of health, safety and welfare while also avoiding adverse impacts to important areas such as agricultural lands, residential areas, endangered species habitats, conservation lands, and other sensitive lands”. As described herein the totality of this report, the proposed facility has been reviewed against the adopted zoning regulations and supplemental use standards. Given the thoroughness of the submission material, it is noted that the proposal generally meets with the intent of the zoning code.

It may be beneficial to note that this project has been reviewed against **adopted** standards and **best practices**. The findings herein do not discourage the opinions and continued expression of thoughts from the general public and any interest person(s); the findings are based on evaluation of the proposed project and its relation to code requirements.

Subject to plan implementation as approved, this provision can be satisfied.

2. HARMONY WITH EXISTING CHARACTER

The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of existing and future land uses on adjacent property and the surrounding area.

Findings: The proposed project seeks to modify approximately 49 acres of a 140+ acre parcel of land that, prior to construction, has been utilized for paid active recreation purposes. The site plan notes retention of approximately 5,700 trees on the subject parcel, which will aid in the preservation of the existing character of the area. Further, the plan set notes the installation of additional screening along the northern site boundary, adding further vegetation to the parcels. Sound walls are also proposed, which are designed to mitigate adverse impacts from the facility onto adjacent properties at the boundary line.

The applicant has further noted in their narrative that the remaining acreage, 100+, will be left in an open-space-like state or be further developed for recreational purposes, as stipulated by the supplemental ordinance requirements.



It is anticipated that the greatest impact to the area will be during construction; this is due in part to the equipment and labor-power needed in order to facilitate the erection of the battery storage site. Once the overall project is fully completed, the impact on adjacent land uses is intended to be minimal, due to the nature of the use.

Further, with the adoption of the Battery Energy Storage System Ordinance by the Township Board (7-0 vote), the Township Board has indicated that the overlay district is, partially, harmonious with the existing character of the Township.

Comstock Charter Township Master Plan – Vision 2030

The Vision 2030 plan notes the following as part of the community's goals and objectives:

Sustainability

- i. *To provide for renewable energy production, promote marginal lands, brownfields and gray fields for utility-scale solar energy systems in the agricultural and industrial districts near existing infrastructure and allow accessory solar energy systems in all districts while minimizing potential biological, agricultural, visual and other environmental impacts. And, encourage the continued operation and expansion of hydro power generation for nearby residences and businesses.*

Finding: while the master plan does not directly reference battery energy storage systems (bess), we find that the intent of this statement partially supports the development of such facilities. The facility will be located near an electrical substation, which could be classified as “*near existing infrastructure*” – further supporting this goal of the community.

Recreation

- ii. *To provide additional recreation opportunities in developing areas of the Township, amend the subdivision and site condo ordinance to require open space and sidewalks.*

Finding: the application material notes that the remaining 100(+) acres of property will be retained as either open space or recreation. Subject to the type of recreation proposed by the applicant, this objective of the Master Plan appears to be supported. Full compliance with this objective would come upon completion of the project and operation of the recreational land space. The applicant is encouraged to continue dialogue with the Township on this provision.

3. ESSENTIAL CHARACTER

The special land use shall not change the essential character of the surrounding area.

Findings: This provision can be satisfied, subject to the applicant installing sound walls, additional screening vegetation, and designing the site as proposed. It should be further noted that the Township's Master Plan calls for this area of the Township to be future planned for a higher density of residential use; therefore, it has been visioned that at some future point, this region of the Township would be modified from its current state.



It is noted that a concern may be “the installation will change the character of the surrounding area” – while this development may modify the existing use of the subject sites, in a broader picture, **any** new development would change the character of the surrounding area. This includes the construction of one (1) single home where there are not currently homes; the construction of a commercial operation on a vacant lot, etc. It is important to consider the scale in which this proposed change may happen.

The Township’s BESS Ordinance, as adopted by the full Township Board, permits the development of a BESS facility on acreage greater than 140, but no more than 200, so long as at least 100 acres is maintained for preservation and open space. It is anticipated that this project will impact approximately 33 percent (33%) of the subject site, while 66 percent remains in a state of preservation and recreation. Therefore, while some change in the character of the property is anticipated, the majority of the property will remain undisturbed and compatible with the existing character of the area.

4. HAZARDOUS OR DISRUPTIVE

The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which, will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.

Findings: Subject to the applicant maintaining the site in accordance with national, state and local regulations as well as industry best practices, it is not anticipated that this special land use will be any more hazardous to adjacent property than that of other types of special land uses. The applicant has demonstrated at multiple public meetings and within their submission documentation that safety standards will be upheld, and hazardous materials will be mitigated to the extent possible.

If there is a concern on this specific type of land use being ‘more’ hazardous to the area than other uses, the Planning Commission is encouraged to conduct a study on large-scale retail operations, such as home goods and food stuffs and fuel stations, and how those already established uses are less hazardous than what the applicant proposes. The Planning Commission is encouraged to seek third-party expertise on provisions for protecting the health, safety and welfare of the community from those who are qualified to make such claims.

The application materials contain the following statements about the construction activities to build out the project:

“Construction is anticipated to begin early 2027 and could last up to 18 months. Construction is anticipated to be undertaken in phases that may overlap, including an initial site preparation phase, a phase during which the energy storage system will be installed, and a phase during which the power conversion station and substation will be installed. Following the installation, testing and commissioning will take place. Most of the labor force is expected to come from the surrounding communities within the Kalamazoo Metropolitan Area. There will be an estimated workforce of up to 50-100 full-time employees during construction. Construction equipment will be primarily operated between 7:00 AM and 7:00 PM, Monday through Friday. Depending on schedule demand, working hours in the early morning, evening, nights, and weekends may occur during certain construction phases. However, this is not an expected aspect of project construction. All construction work, including any weekend work, will comply with the policies and requirements established by Comstock Township Zoning Ordinance.”

The applicant has provided the following statement about the as-built condition:



“To further clarify, no traffic impacts are expected due to the nature of the Project which will not require any day-to-day presence by a workforce after it is constructed and operating. Additionally, no displacement or any impact to the character of the surrounding area is expected to occur for the same reason; the Project will be adequately screened and will be consistent with the character of the area, which is already the site of existing electric grid infrastructure.”

Note: **McKenna is not advocating for or against this particular project**; McKenna seeks to identify concerns raised throughout this process regarding Battery Energy Storage Systems and their impact on surrounding land uses compared to other special land uses that have been approved in recent years by the Planning Commission. McKenna further defers to the applicant to address how this special land use will not be hazardous to adjacent property or involve uses that will be detrimental to the health, safety or welfare.

5. ADEQUATE PUBLIC SERVICES AND FACILITIES

The special use shall be required to be served by public sanitary sewer and water supply systems when available or other systems approved by the Health Department, and served adequately by other essential public facilities and services; such as highways, streets, drives, sidewalks, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately all such services. Further the special use shall not place demands on public services and facilities in excess of current capacity.

Findings: It is McKenna’s understanding that this proposed use will not require intensive upgrades to sanitary sewer and water supplies, given that the nature of this particular use is largely monitored and overseen from remote locations. Any need for water and sewer would be limited to service those employees whom may be onsite, once the project is fully online.

The Township’s Fire Department will further review the proposal to ensure adequate coverage is able to be maintained, based on the documents submitted for consideration.

Subject to the project being constructed in the manner in which it is approved for, it is not anticipated that additional demands on public services and facilities will exceed current capacity. Please defer to separate review memorandums by the Fire Department and the City Engineer.

Disclaimer: McKenna has been retained by the Charter Township of Comstock to conduct planning and zoning reviews, as well as administer support to the planning & zoning department. McKenna is not associated with the applicant in any manner, nor is McKenna receiving financial benefit from the applicant.

CHARTER TOWNSHIP OF COMSTOCK

Department of Fire & Rescue

MATT BEAUCHAMP
Fire Chief

8700 E. Michigan Avenue • P.O. Box 8
Comstock, Michigan 49041

MIKE MEULMAN
Assistant Chief

KEVIN THOMPSON
Deputy Chief

Phone: (269) 345-9244 • Fax: (269) 345-8356

MICHAEL KESSLER
Fire Marshal

To: Kyle Mucha, Zoning Administration
FROM: Michael Kessler
DATE: June 25, 2026
RE: Project Number 161262002

The Fire Marshal's office has reviewed the site plan for 65 N 30th Street, located in Comstock Township for compliance with NFPA 1 Fire Code 2024 and NFPA 855 Standard for the Installation of Stationary Energy Storage System.

Based upon the documentation provided, the Fire Marshal office has the following recommendation:

Approved
X Approved with Requirements (See below)
Not approved

Requirements:

With approval from the Planning / Zoning Board on the Battery Energy Storage System / Fire Department Equipment needs are meant.

Michael Kessler



Fire Marshal

CHARTER TOWNSHIP OF COMSTOCK

Department of Fire & Rescue

Matt Beauchamp
Fire Chief

8700 E. Michigan Avenue • P.O. Box 8
Comstock, Michigan 49041

Kevin Thompson
Deputy Chief

Mike Meulman
Assistant Chief

Phone: (269) 345-9244 • Fax: (269) 345-8356

Michael Kessler
Fire Marshal

Date: June 23, 2026

To: Comstock Planning Commission

Re: Battery Energy Storage System / Fire Department Equipment Needs

A Battery Energy Storage System (BESS) facility introduces specialized fire and hazardous materials risks to the community. These incidents may involve thermal runaway, fire, explosion potential, toxic or flammable gas release, contaminated smoke, extended-duration operations, and evacuation or shelter-in-place decisions.

The following equipment and training needs would strengthen the Fire Department's ability to safely and effectively respond to these hazards. These resources would improve responder safety, support better incident command decisions, and help reduce risk to the public during a BESS-related emergency.

1. Self-Contained Breathing Apparatus (SCBA) Systems

The Department is requesting replacement and upgrade of fifty-six (56) self-contained breathing apparatus (SCBA) units, five (5) rapid intervention team (RIT) air packs, fifty-six (56) spare SCBA cylinders, and one (1) SCBA air compressor/cascade/fill station with new equipment meeting the most current applicable National Fire Protection Association (NFPA) standards. This would outfit all 3 fire stations.

SCBAs and related equipment are the top priority because they allow firefighters to safely breathe in smoke-filled, toxic, or unknown atmospheres. A battery fire or thermal runaway event can produce dangerous gases and smoke that may be immediately dangerous to life and health. Firefighters may need respiratory protection for fire attack, exposure protection, rescue, evacuation support, investigation, overhaul, air monitoring, and extended operations.

This equipment must be replaced as a complete, interoperable system to ensure safe and effective operations. All personnel need compatible facepieces, regulators, air cylinders, personal alert safety systems (PASS), RIT connections, filling connections, and maintenance procedures. Replacing only part of the system creates safety concerns, training issues, and operational confusion during multi-station responses.

SCBA is addressed through NFPA 1970, Standard on Protective Ensembles for Structural and Proximity Firefighting, Work Apparel, Open-Circuit Self-Contained Breathing Apparatus for Emergency Services, and Personal Alert Safety Systems. The previous NFPA 1981 and NFPA 1982 standards addressed SCBA and PASS requirements and remain useful reference points for existing equipment and service-life planning. The requested air compressor/cascade/fill station is also tied to NFPA 1989, Standard on Breathing Air Quality for Fire and Emergency Services Respiratory Protection.

For planning purposes, the Department uses an estimated 15-year replacement cycle for SCBA equipment. The fill station is directly applicable because an extended-duration emergency may require repeated air cylinder changes and refilling. Without local refill capability, the Department's ability to safely continue operations could be limited.

2. Air Monitoring Equipment

The Department is requesting three (3) multi-gas air monitoring meters, three (3) photoionization detectors (PIDs) for detecting volatile organic compounds, three (3) hydrogen fluoride (HF) air monitoring devices, and the necessary calibration equipment to maintain these devices. This would outfit all 3 fire stations.

Air monitoring is the second priority. BESS emergencies may involve toxic, flammable, or otherwise hazardous gases that cannot be safely identified by sight or smell alone. Thermal runaway and battery failure may produce hazardous gases, including hydrogen fluoride, carbon monoxide, hydrogen, and other flammable or toxic products.

Multi-gas meters would allow responders to monitor for common hazardous atmospheres such as oxygen deficiency, carbon monoxide, hydrogen sulfide, and flammable gas levels. Photoionization detectors would allow responders to screen for volatile organic compounds that may be present in smoke, vapors, or other off-gassing conditions. Hydrogen fluoride monitoring is specifically applicable to lithium-ion battery failure because hydrogen fluoride can be produced during thermal runaway and may create a serious inhalation hazard.

Air monitoring gives the Incident Commander real-time information to help determine whether the atmosphere is safe for firefighters and whether additional public protective actions are needed. This capability supports decisions related to responder safety, hazard zones, evacuation or shelter-in-place recommendations, downwind monitoring, safe staging locations, re-entry into the area, and coordination with hazardous materials teams or environmental agencies. These decisions may need to be made early in an incident, before outside technical resources arrive.

NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, addresses energy storage system fire protection, emergency planning, hazard mitigation, and related safety concerns. Air monitoring directly supports those goals by helping the Department identify atmospheric hazards during an emergency.

For planning purposes, the Department uses an estimated 5-year replacement cycle for air monitoring equipment due to sensor life, calibration needs, maintenance, and technology changes. This capability supports time-critical life safety decisions before outside technical resources arrive.

3. Thermal Imaging Cameras (TICs)

The Department is requesting ten (10) NFPA-rated thermal imaging cameras (TICs) with vehicle charging equipment. This would outfit all 3 fire stations.

TICs allow firefighters to evaluate heat conditions from a safer distance. During a battery energy storage emergency, this is especially important because responders may be operating around energized equipment, toxic smoke, flammable gases, and the possibility of delayed re-ignition or fire spread to nearby units.

Thermal imaging capability supports exposure monitoring, surface temperature checks, fire spread assessment, overhaul decisions, and command-level situational awareness. This allows crews to monitor heat conditions while limiting unnecessary exposure to hazardous areas.

The requested quantity is intended to provide two TICs on each engine, with additional units available for ladder, rescue, and special response apparatus. This helps avoid gaps when apparatus respond first-due, are committed to another incident, or are positioned at different access points during a large or extended-duration emergency.

Thermal imaging cameras for fire service use are addressed through NFPA 1801, Standard on Thermal Imaging for the Fire Service. For planning purposes, the Department uses an estimated 10-year replacement cycle for TICs, though replacement may be needed sooner based on damage, reliability, battery life, manufacturer support, or changes in technology.

4. Drone Program

The Department is requesting one (1) public safety drone program package with emergency response capabilities. The package includes two (2) drones: one (1) automated deployment drone and one (1) manually deployed drone, along with initial training for eight (8) operators and annual refresher training to maintain operator proficiency and program readiness.

A drone program would improve scene size-up and responder safety during a facility emergency involving battery energy storage. These sites may involve large areas, limited access, electrical hazards, smoke movement, and possible explosion or projectile hazards. In some situations, getting close enough to visually inspect the site may create unnecessary risk for firefighters.

The automated deployment drone would provide rapid initial situational awareness and allow command staff to begin assessing conditions early in the incident. The manually deployed drone would provide flexibility for extended operations, alternate launch locations, closer coordination with the Incident Commander, or use when the automated system is unavailable or not appropriate for the incident conditions.

This program would assist with identifying visible fire or smoke conditions, monitoring smoke movement, checking access points, identifying exposure concerns, supporting evacuation decisions, and reducing unnecessary firefighter exposure. If BESS equipment is marked or mapped for aerial identification, drone capability would also assist command staff in quickly identifying the involved area or unit.

The drone program is not a replacement for firefighters or required safety equipment, but it is a valuable situational awareness tool that enhances command decision-making while reducing firefighter exposure to unnecessary risk.

For planning purposes, the Department uses an estimated 10-year replacement cycle for the drone program equipment. Annual refresher training is needed to maintain operator skill, safe flight operations, and program readiness. The drone program should also comply with applicable Federal Aviation Administration (FAA) requirements for public safety drone operations.

5. Personal Protective Equipment / Turnout Gear

The Department is requesting twenty-five (25) sets of structural firefighting turnout gear to match current Department specifications. This would outfit half of our current roster.

Turnout gear is the protective clothing worn by firefighters during fire response, including the coat, pants, helmet, gloves, hood, boots, and related protective components. Turnout gear remains essential for operations involving heat, smoke, debris, and contaminated environments. During an energy storage system fire, firefighters may operate near fire conditions, contaminated runoff, damaged equipment, or smoke-impacted areas.

Structural firefighting personal protective equipment (PPE) is addressed through NFPA 1970, Standard on Protective Ensembles for Structural and Proximity Firefighting, Work Apparel, Open-Circuit Self-Contained Breathing Apparatus for Emergency Services, and Personal Alert Safety Systems. Selection, care, cleaning, maintenance, repair, and retirement of firefighting protective clothing are addressed through NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.

For planning purposes, the Department uses a 10-year replacement cycle for turnout gear, though gear may need to be removed from service sooner if damaged, contaminated, or unable to pass inspection.

This item is ranked below SCBA, air monitoring, and TICs because respiratory protection, atmospheric hazard identification, and temperature assessment are more immediate BESS-specific responder safety needs. However, adequate turnout gear is still necessary to support safe operations, crew rotation, and continued township coverage during a long-duration emergency.

6. Training and Site Familiarization

The Department is requesting initial BESS emergency response training, annual refresher training, site familiarization, and any training materials, props, or other resources needed to prepare responders.

Equipment alone is not enough. The Department also needs training before any BESS facility becomes operational and refresher training throughout the life of the project. Training should include site layout and access points, thermal runaway, battery fire behavior, electrical isolation, air monitoring, TIC use, hazard zones, evacuation and shelter-in-place decisions, defensive fire operations, water supply and runoff concerns, incident command, and coordination with facility representatives and hazardous materials teams.

NFPA 855 supports the need for emergency planning, hazard mitigation, and coordination with local emergency responders for stationary energy storage systems. Training and site familiarization help ensure that the Fire Department can apply emergency response plans in a way that matches local staffing, apparatus, equipment, and operating procedures.

Battery energy storage emergencies are low-frequency, high-risk events. Responders need site-specific training so they understand the hazards, the facility layout, the emergency contacts, and the safest operating procedures before an emergency occurs. Training ensures that personnel can effectively use the requested equipment and apply safe operational strategies during these types of incidents.

Summary

The Department's highest priority response needs are SCBA, air monitoring, and TICs. These directly affect responder safety and the Department's ability to operate in or near a toxic, hazardous, unknown, or heat-impacted environment.

Drone capability, turnout gear, and training also support safe and effective response, but they are secondary to ensuring firefighters can breathe safely, monitor the atmosphere, assess heat conditions, and make informed command decisions during the emergency.

These requests are based on the Department's actual operational needs for safe emergency response across all three stations, not reduced quantities tied to grant limitations. While the Department will continue to respond with the resources available, these improvements would provide a safer, more effective, and more prepared response capability for a BESS-related emergency.

Respectfully Submitted,



Matt Beauchamp
Fire Chief

RE: Hickory Ridge Golf Course - BESS Project Proposal

From Kevin Harris <[REDACTED]>

Date Wed 07/29/2026 12:10 PM

To Kyle Mucha <[REDACTED]>; Lydia Paille <[REDACTED]>

 2 attachments (596 KB)

Memo 3 - Battery Energy System Interim Guidance Memo.pdf; 632_ty2026.pdf;

Kyle,

Attached is a memo from the State Tax Commission regarding BESS and as of October 22, 2024 – they were unable to provide any guidance as to how they will be valued. It appears that their suggesting that it will be classed and valued as industrial personal property and as of the date of the memo – the depreciation schedules had not been officially established, but they were directing us to put the value in Section E (page 2) of the attached personal property statement. Section E would need to be populated with the asset costs – including infrastructure – for me to ballpark a guess as to the revenue it may generate for the township.

I also don't expect them to not provide some discount for these sorts of facilities – they do for power companies and for gas pipelines now.

Kevin Harris
Comstock Township Assessor
Phone: 269-381-2360 (ext. 118)



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RACHAEL EUBANKS
STATE TREASURER

DATE: October 22, 2024

TO: Assessors and Equalization Directors

FROM: Michigan State Tax Commission

SUBJECT: Interim Guidance Regarding Valuation and Assessment of Battery Energy Storage Systems

The State Tax Commission is currently evaluating its recommended procedures for valuing battery energy storage systems. The effort will not be completed before the time assessors finalize their 2025 assessment rolls. This memorandum provides interim guidance. This guidance will be reviewed on an annual basis until such time as multiple years of verifiable data can be utilized to consider the establishment of a specific battery energy storage valuation table.

The information in this memorandum regarding the treatment of personal property associated with battery energy storage systems applies only to systems which are typical utility scale battery energy storage systems.

Battery energy storage systems are reported, classified for equalization purposes, and assessed as industrial personal property for the 2025 assessment year and are valued using Table (Section) E of the Personal Property Statement, Treasury Form 632 (L-4175) as this table most closely reflects current battery energy storage data analysis.

For purposes of this memorandum, the cells, environmental equipment such as the battery management system sensors, HVAC, fire suppression systems, etc., the power conversion system inverters and the MV transformers are treated as part of the battery energy storage system.

Miscellaneous personal property of the operator which is located on the site but is not an integral part of the battery management system itself should be reported and valued using the appropriate Table (Section) of Treasury Form 632 (L-4175).

Structures, and land improvements such as roads, parking lots and fences, among other features, located on the real property parcel are valued as part of the real property, using the appropriate sections of the Assessor's Manual or other authorized valuation manual or procedure. If the owner of the structure(s) or improvements is different than the owner of the real property on which the system is located, then the structure(s) or improvements are assessed as structures or improvements on leased

land, pursuant to MCL 211.2(c), using the procedures contained in State Tax Commission Bulletin 8 of 2002.

For equalization purposes, the classification of real property used in association with the battery energy storage systems will be determined in accordance with the provisions of MCL 211.34c. The real property use indicated by the presence of a battery energy storage system is industrial real property. Assessors are reminded that MCL 211.34c(5) provides that if there are two or more uses of the property, the use that most significantly influences the total valuation of the parcel will determine the classification for equalization purposes. In the case of battery energy storage systems, this will frequently result in the parcel being classified as industrial real property. If only a portion of a large parcel is devoted to use as a battery energy storage system site, an assessor is authorized to establish a separate tax parcel for the real property so used, if deemed appropriate. The assessor must carefully analyze the uses of the property to determine the correct classification.

If the battery energy storage system is located on exempt real property, the assessor must often consider establishing an assessment pursuant to Act 189 of 1953 (MCL 211.181, et seq.) With certain exceptions, this act provides that if real property exempt for any reason from ad valorem property taxation is leased, loaned, or otherwise made available to and used by a private individual, association, or corporation in connection with a business conducted for profit, the lessee or user of the real property is subject to taxation in the same amount and to the same extent as though the lessee or user owned the real property.

Act No. 233
Public Acts of 2023
Approved by the Governor
November 28, 2023
Filed with the Secretary of State
November 29, 2023
EFFECTIVE DATE: November 29, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Aiyash, Puri, Brenda Carter, Pohutsky, Rheingans, Hope, O’Neal, Byrnes, Stone, MacDonell, Tsernoglou, Morse, Breen, Martus, Andrews, Steckloff and Wilson

ENROLLED HOUSE BILL No. 5120

AN ACT to amend 2008 PA 295, entitled “An act to require certain providers of electric service to establish and recover costs for renewable energy programs; to require certain providers of electric or natural gas service to establish energy waste reduction programs; to authorize the use of certain energy systems to meet the requirements of those programs; to provide for the approval of energy waste reduction service companies; to reduce energy waste by state agencies and the public; to create a wind energy resource zone board and provide for its power and duties; to authorize the creation and implementation of wind energy resource zones; to provide for expedited transmission line siting certificates; to provide for customer generation and net metering programs and the responsibilities of certain providers of electric service and customers with respect to customer generation and net metering; to provide for fees; to prescribe the powers and duties of certain state agencies and officials; to require the promulgation of rules and the issuance of orders; to authorize the establishment of residential energy improvement programs by providers of electric or natural gas service; and to provide for civil sanctions, remedies, and penalties,” by amending the title and section 13 (MCL 460.1013), as amended by 2016 PA 342, and by adding part 8.

The People of the State of Michigan enact:

TITLE

An act to require certain providers of electric service to establish and recover costs for renewable energy and clean energy programs; to require certain providers of electric or natural gas service to establish, and recover costs for, energy waste reduction programs; to ensure that costs and savings from renewable energy, clean energy, and energy waste reduction programs are included in the determination of rates; to authorize the use of certain energy systems to meet the requirements of those programs; to provide for the approval of energy waste reduction service companies; to reduce energy waste by state agencies and the public; to create a wind energy resource zone board and provide for its power and duties; to authorize the creation and implementation of wind energy resource zones; to provide for expedited transmission line siting certificates; to provide for customer generation and net metering programs and the responsibilities of certain providers of electric service and customers with respect to customer generation and net metering; to provide for fees; to prescribe the powers and duties of certain state agencies and officials; to require the promulgation of rules and the issuance of orders; to authorize the establishment of residential energy improvement programs by providers of electric or natural gas service; to authorize certification by this state before the construction of certain wind and solar energy facilities and energy storage facilities; to regulate certain local ordinances; to protect personal property rights; and to provide for civil sanctions, remedies, and penalties.

Sec. 13. As used in this act:

(a) “Site”, except as used in part 8, means a contiguous site, regardless of the number of meters at that site. A site that would be contiguous but for the presence of a street, road, or highway is considered to be contiguous for the purposes of this subdivision.

(b) “Transmission line” means all structures, equipment, and real property necessary to transfer electricity at system bulk supply voltage of 100 kilovolts or more.

(c) “Utility system resource cost test” means a standard that is met for an investment in energy waste reduction if, on a life cycle basis, using a real societal discount rate based on actual long-term United States Treasury bond yields, the total avoided supply-side costs to the provider, including representative values for electricity or natural gas supply, transmission, distribution, and other associated costs, are greater than the total costs to the provider of administering and delivering the energy waste reduction program, including net costs for any provider incentives paid by customers and capitalized costs recovered under section 89.

(d) “Wind energy conversion system” means a system that uses 1 or more wind turbines to generate electricity and has a nameplate capacity of 100 kilowatts or more.

(e) “Wind energy resource zone” or “wind zone” means an area designated by the commission under section 147.

PART 8.

WIND, SOLAR, AND STORAGE CERTIFICATION

Sec. 221. As used in this part:

(a) “Affected local unit” means a unit of local government in which all or part of a proposed energy facility will be located.

(b) “Aircraft detection lighting system” means a sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.

(c) “Applicant” means an applicant for a certificate.

(d) “Certificate” means a certificate issued for an energy facility under section 226(5).

(e) “Community-based organization” means a workforce development and training organization, labor union, local governmental entity, Michigan federally recognized tribe, environmental advocacy organization, or an organization that represents the interests of underserved communities.

(f) “Compatible renewable energy ordinance” means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section 226(8). A local unit of government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.

(g) “Construction” means any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.

(h) “Dark sky-friendly lighting technology” means a light fixture that is designed to minimize the amount of light that escapes upward into the sky.

(i) “Energy facility” means an energy storage facility, solar energy facility, or wind energy facility. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

(j) “Energy storage facility” means a system that absorbs, stores, and discharges electricity. Energy storage facility does not include either of the following:

(i) Fossil fuel storage.

(ii) Power-to-gas storage that directly uses fossil fuel inputs.

(k) “Independent power producer”, or “IPP”, means a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.

(l) “Light intensity dimming solution technology” means obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

(m) “Light-mitigating technology system” means an aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

- (n) “Local unit of government” or “local unit” means a county, township, city, or village.
- (o) “Maximum blade tip height” means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.
- (p) “Nameplate capacity” means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
- (q) “Nonparticipating property” means a property that is adjacent to an energy facility and that is not a participating property.
- (r) “Occupied community building” means a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
- (s) “Participating property” means real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
- (t) “Person” means an individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.
- (u) “Project labor agreement” means a prehire collective bargaining agreement with 1 or more labor organizations that establishes the terms and conditions of employment for a specific construction project and does all of the following:
- (i) Binds all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents.
 - (ii) Allows all contractors and subcontractors on the construction project to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements.
 - (iii) Contains guarantees against strikes, lockouts, and similar job disruptions.
 - (iv) Sets forth the effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement.
 - (v) Provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.
 - (vi) Complies with all state and federal laws, rules, and regulations.
- (v) “Repowering”, with respect to an energy facility, means replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.
- (w) “Solar energy facility” means a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.
- (x) “Wind energy facility” means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

Sec. 222. (1) This part applies to all of the following:

- (a) Any solar energy facility with a nameplate capacity of 50 megawatts or more.
 - (b) Any wind energy facility with a nameplate capacity of 100 megawatts or more.
 - (c) Any energy storage facility with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more.
- (2) Before beginning construction of an energy facility, an electric provider or independent power producer may, pursuant to this part, obtain a certificate for that energy facility from the commission. A local unit of government exercising zoning jurisdiction may request the commission to require an electric provider or independent power producer that proposes to construct an energy facility in that local unit to obtain a certificate for that energy facility from the commission. To obtain a certificate for an energy facility, an electric provider or IPP must comply with the requirements of sections 223 and 224, and then submit to the commission an application as described in section 225.
- (3) If the commission has issued a certificate for an energy facility, the electric provider or IPP may make minor changes, as defined by the commission, to the site plan if the changes are within the footprint of the previously approved site plan.
- (4) If an energy facility that would otherwise be subject to subsection (2) is located entirely within a city or village, the city or village is exempt from this part as it relates to the energy facility if the city or village is the owner of participating property, is a developer of the facility, or owns an electric utility that will take service from the energy facility.

Sec. 223. (1) An electric provider or independent power producer that, at its option or as required by the commission, proposes to obtain a certificate for and construct an energy facility shall hold a public meeting in each affected local unit. At least 30 days before a meeting, the electric provider or IPP shall notify the clerk of the affected local unit in which a public meeting will be held of the time, date, location, and purpose of the meeting and provide a copy of the site plan as described in section 224 or the address of an internet site where a site plan for the energy facility is available for review. At least 14 days before the meeting, the electric provider or IPP shall publish notice of the meeting in a newspaper of general circulation in the affected local unit or in a comparable digital alternative. The notice shall include a copy of the site plan or the address of an internet site where the site plan is available for review. The commission shall further prescribe the format and content of the notice. For the purposes of this subsection, a public meeting held in a township is considered to be held in each village located within the township.

(2) At least 60 days before a public meeting held under subsection (1), the electric provider or IPP planning to construct an energy facility shall offer in writing to meet with the chief elected official of each affected local unit, or the chief elected official's designee, to discuss the site plan.

(3) If, within 30 days following a meeting described in subsection (2), the chief elected official of each affected local unit notifies the electric provider or IPP planning to construct the energy facility that the affected local unit has a compatible renewable energy ordinance, then the electric provider or IPP shall file for approval with each affected local unit, subject to all of the following:

(a) An application submitted under this subsection shall comply with the requirements of section 225(1), except for section 225(1)(j) and (s). An affected local unit may require other information necessary to determine compliance with the compatible renewable energy ordinance.

(b) A local unit of government with which an application is filed under this subsection shall approve or deny the application within 120 days after receiving the application. The applicant and local unit of government may jointly agree to extend this deadline by up to 120 days.

(c) The electric provider or IPP may submit its application to the commission if any of the following apply:

- (i) An affected local unit fails to timely approve or deny an application.
- (ii) The application complies with the requirements of section 226(8), but an affected local unit denies the application.
- (iii) An affected local unit amends its zoning ordinance after the chief elected official notifies the electric provider or IPP that it has a compatible renewable energy ordinance, and the amendment imposes additional requirements on the development of energy facilities that are more restrictive than those in section 226(8).

(d) An electric provider or IPP that submits an application to the commission pursuant to this subsection is not required to comply with subsection (1) or section 226(1), or the requirement to submit a summary of community outreach and education efforts pursuant to section 225(1)(j).

(4) If a local unit of government approves an application pursuant to subsection (3), construction of the proposed energy facility must begin within 5 years after the date the permit is granted and any challenges to the grant of the permit are concluded. The local unit of government may extend this timeline at the request of the electric provider or IPP without requiring a new application. The local unit shall not revoke a permit issued under subsection (3) except for material noncompliance with the permit by the electric provider or IPP.

(5) If the commission approves an applicant for a certificate submitted under subsection (3)(c), the local unit of government is considered to no longer have a compatible renewable energy ordinance, unless the commission finds that the local unit of government's denial of the application was reasonably related to the applicant's failure to provide information required by subsection (3)(a).

(6) Nothing in this section shall be construed to limit remedies available to an applicant to appeal a denial by a local unit of government under any other law of this State.

Sec. 224. (1) A site plan required under section 223 or 225 shall meet application filing requirements established by commission rule or order to maintain consistency between applications. The site plan shall include the following:

(a) The location and a description of the energy facility.

(b) A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.

(c) Additional information required by commission rule or order that directly relates to the site plan.

(2) When it submits a site plan required under section 223 or 225 to the commission, an electric provider or independent power producer shall, for informational purposes, submit a copy to the clerk of each affected local unit.

Sec. 225. (1) An application for a certificate submitted to the commission under section 222(2) shall contain all of the following:

(a) The complete name, address, and telephone number of the applicant.

(b) The planned date for the start of construction and the expected duration of construction.

(c) A description of the energy facility, including a site plan as described in section 224.

(d) A description of the expected use of the energy facility.

(e) Expected public benefits of the proposed energy facility.

(f) The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.

(g) Information on the effects of the proposed energy facility on public health and safety.

(h) A description of the portion of the community where the energy facility will be located.

(i) A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(j) A summary of the community outreach and education efforts undertaken by the electric provider or independent power producer, including a description of the public meetings and meetings with elected officials under section 223.

(k) Evidence of consultation, before submission of the application, with the department of environment, Great Lakes, and energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the department of natural resources and the department of agriculture and rural development.

(l) The soil and economic survey report under section 60303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.

(m) Interconnection queue information for the applicable regional transmission organization.

(n) If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.

(o) If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.

(p) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

(q) A fire response plan and an emergency response plan.

(r) A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance may be posted in increments as follows:

(i) At least 25% by the start of full commercial operation.

(ii) At least 50% by the start of the fifth year of commercial operation.

(iii) 100% by the start of the tenth year of commercial operation.

(s) Other information reasonably required by the commission.

(2) Within 60 days after receipt of an application, the commission shall determine whether the application is complete. If the commission determines that the application is incomplete, the commission shall advise the applicant in writing of the information necessary to make the application complete. If the commission fails to timely notify the applicant that an application is incomplete, the application is considered to be complete.

Sec. 226. (1) Upon filing an application with the commission, the applicant shall make a 1-time grant to each affected local unit for an amount determined by the commission but not more than \$75,000.00 per affected local unit and not more than \$150,000.00 in total. Each affected local unit shall deposit the grant in a local intervenor compensation fund to be used to cover costs associated with participation in the contested case proceeding on the application for a certificate.

(2) Upon filing an application with the commission, the applicant shall provide notice of the opportunity to comment on the application in a form and manner prescribed by the commission. The notice shall be published in a newspaper of general circulation in each affected local unit or a comparable digital alternative. The notice shall be written in plain, nontechnical, and easily understood terms and shall contain a title that includes the name of the applicant and the words "NOTICE OF INTENT TO CONSTRUCT _____ FACILITY", with the words "WIND ENERGY", "SOLAR ENERGY", or "ENERGY STORAGE", as applicable, entered in the blank space. The commission shall further prescribe the format and contents of the notice.

(3) The commission shall conduct a proceeding on the application for a certificate as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. An affected local unit, participating property owner, or nonparticipating property owner may intervene by right.

(4) The commission may assess reasonable application fees to the applicant to cover the commission's administrative costs in processing the application, including costs for consultants to assist the commission in evaluating issues raised by the application. The commission may retain consultants to assist the commission in evaluating issues raised by the application and may require the applicant to pay the cost of the services.

(5) The commission shall grant the application and issue a certificate or deny the application not later than 1 year after a complete application is filed.

(6) In evaluating the application, the commission shall consider the feasible alternative developed locations described under section 225(1)(n), if applicable, and the impact of the proposed facility on local land use, including the percentage of land within the local unit of government dedicated to energy generation. The commission may condition its grant of the application on the applicant taking additional reasonable action related to the impacts of the proposed energy facility, including, but not limited to, the following:

(a) Establishing and maintaining for the life of the facility vegetative ground cover. This subdivision does not apply to an application for an energy facility that is proposed to be located entirely on brownfield land.

(b) Meeting or exceeding pollinator standards throughout the lifetime of the facility, as established by the "Michigan Pollinator Habitat Planning Scorecard for Solar Sites" developed by the Michigan State University Department of Entomology in effect on the effective date of the amendatory act that added this section or any applicable successor standards approved by the commission as reasonable and consistent with the purposes of this subdivision. Seed mix used to establish pollinator plantings shall not include invasive species as identified by the Midwest Invasive Species Information Network, led by researchers at the Michigan State University Department of Entomology and supporting regional partners. This subdivision does not apply to an application for an energy facility that is proposed to be located entirely on brownfield land.

- (c) Providing for community improvements in the affected local unit.
- (d) Making a good-faith effort to maintain and provide proper care of the property where the energy facility is proposed to be located during construction and operation of the facility.
- (7) The commission shall grant the application and issue a certificate if it determines all of the following:
- (a) The public benefits of the proposed energy facility justify its construction. For the purposes of this subdivision, public benefits include, but are not limited to, expected tax revenue paid by the energy facility to local taxing districts, payments to owners of participating property, community benefits agreements, local job creation, and any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state. In determining any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state, the commission may consider approved integrated resource plans under section 6t of 1939 PA 3, MCL 460.6t, renewable energy plans, annual electric provider capacity demonstrations under section 6w of 1939 PA 3, MCL 460.6w, or other proceedings before the commission, at the applicable regional transmission organization, or before the Federal Energy Regulatory Commission, as determined relevant by the commission.
- (b) The energy facility complies with the standard in section 1705(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1705.
- (c) The applicant has considered and addressed impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species.
- (d) The applicant has met the conditions established in section 227.
- (e) All of the following apply:
- (i) The installation, construction, or construction maintenance of the energy facility will use apprenticeship programs registered and in good standing with the United States Department of Labor under the national apprenticeship act, 29 USC 50 to 50c.
- (ii) The workers employed for the construction or construction maintenance of the energy facility will be paid a minimum wage standard not less than the wage and fringe benefit rates prevailing in the locality in which the work is to be performed as determined under 2023 PA 10, MCL 408.1101 to 408.1126, or 40 USC 3141 to 3148, whichever provides the higher wage and fringe benefit rates.
- (iii) To the extent permitted by law, the entities performing the construction or construction maintenance work will enter into a project labor agreement or operate under a collective bargaining agreement for the work to be performed.
- (f) The proposed energy facility will not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops.
- (g) The proposed energy facility does not present an unreasonable threat to public health or safety.
- (8) An energy facility meets the requirements of subsection (7)(g) if it will comply with the following standards, as applicable:
- (a) For a solar energy facility, all of the following:
- (i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:
- | <u>Setback Description</u> | <u>Setback Distance</u> |
|---|--|
| Occupied community buildings and dwellings on nonparticipating properties | 300 feet from the nearest point on the outer wall |
| Public road right-of-way | 50 feet measured from the nearest edge of a public road right-of-way |
| Nonparticipating parties | 50 feet measured from the nearest shared property line |
- (ii) Fencing for the solar energy facility complies with the latest version of the National Electric Code as of the effective date of the amendatory act that added this section or any applicable successor standard approved by the commission as reasonable and consistent with the purposes of this subsection.
- (iii) Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- (iv) The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (v) The solar energy facility will implement dark sky-friendly lighting solutions.

(vi) The solar energy facility will comply with any more stringent requirements adopted by the commission. Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

(b) For a wind energy facility, all of the following:

(i) The following minimum setback distances, measured from the center of the base of the wind tower:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

(ii) Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

(iii) Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

(iv) The wind energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

(v) The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The commission may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

(A) The purpose of the exemption.

(B) The proposed length of the exemption.

(C) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

(D) The technical or economic reason a light-mitigating technology is not feasible.

(E) Any other relevant information requested by the commission.

(vi) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the commission.

(vii) The wind energy facility will comply with any more stringent requirements adopted by the commission. Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

(c) For an energy storage facility, all of the following:

(i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

(ii) The energy storage facility complies with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of the amendatory act that added this section or any applicable successor standard adopted by the commission as reasonable and consistent with the purposes of this subdivision.

(iii) The energy storage facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

(iv) The energy storage facility will implement dark sky-friendly lighting solutions.

(v) The energy storage facility will comply with any more stringent requirements adopted by the commission. Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

(9) The certificate shall identify the location of the energy facility and its nameplate capacity.

(10) If construction of an energy facility is not commenced within 5 years after the date that a certificate is issued, the certificate is invalid, but the electric provider or IPP may seek a new certificate for the proposed energy facility. If the certificate is appealed in proceedings before the commission or to a court of competent jurisdiction, the running of the 5-year period is tolled from the date of filing the appeal until 60 days after issuance of a final nonappealable decision. The commission may extend the 5-year period at the request of the applicant and upon a showing of good cause without requiring a new contested case proceeding.

Sec. 227. (1) The applicant for a certificate shall enter into a host community agreement with each affected local unit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the affected local unit \$2,000.00 per megawatt of nameplate capacity located within the affected local unit. The payment shall be used as determined by the affected local unit for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

(2) If an affected local unit refuses to enter into a host community agreement after good-faith negotiations with the applicant, the applicant may enter into a community benefits agreement with 1 or more community-based organizations within, or that serve residents of, the affected local unit. The amount paid by the applicant under this subsection must be equal to, or greater than, what the applicant would pay to the affected local unit under subsection (1). Community benefits agreements shall prioritize benefits to the community in which the energy facility is to be located. The topics and specific terms of the agreements may vary and may include, but are not limited to, any of the following:

(a) Workforce development, job quality, and job access provisions that include, but are not limited to, any of the following:

(i) Terms of employment, such as wages and benefits, employment status, workplace health and safety, scheduling, and career advancement opportunities.

(ii) Worker recruitment, screening, and hiring strategies and practices, targeted hiring planning and execution, investment in workforce training and education, and worker input and representation in decision making affecting employment and training.

(b) Funding for or providing specific environmental benefits.

(c) Funding for or providing specific community improvements or amenities, such as park and playground equipment, urban greening, enhanced safety crossings, paving roads, and bike paths.

(d) Annual contributions to a nonprofit or community-based organization that awards grants.

(3) A host community agreement or community benefits agreement is legally binding and inures to the benefit of the parties and their successors and assigns. The commission shall enforce this requirement, but not the actual agreements, which are enforceable in a court of competent jurisdiction.

Sec. 227a. Before commencing commercial operations, an applicant shall file a completion report certifying compliance with the requirements of this act and any conditions contained in the commission's certificate.

Sec. 228. (1) Except as otherwise provided in this part, information obtained by the commission under this part is a public record under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The commission shall issue orders necessary to protect the information in an application for a certificate, or in other documents required by the commission for the purposes of certification, if the commission reasonably finds the information to be confidential. Information that is confidential under a protective order is exempted from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 229. A commission order relating to a certificate or other matter provided for under this part is subject to review in the same manner as provided in section 26 of 1909 PA 300, MCL 462.26.

Sec. 230. (1) In administering this part, the commission has only those powers and duties granted to the commission under this part.

(2) The commission may consolidate proceedings under this part with contract approval or other certificate of need cases relating to the same energy facility.

(3) This part shall control in any conflict between this part and any other law of this state. However, the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575, controls in any conflict with this part.

(4) Commission approval of a certificate does not confer the power of eminent domain and is not a determination of public convenience and necessity for the purposes of the power of eminent domain or a condemnation action filed pursuant to the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

Sec. 231. (1) A local ordinance shall not prohibit or regulate testing activities undertaken by an electric provider or independent power producer for purposes of determining the suitability of a site for the placement of an energy facility.

(2) If a certificate is issued for an energy facility under this part, a zoning ordinance or limitation imposed after the electric provider or IPP submitted the application for the certificate to the commission shall not be construed to limit or impair the construction, operation, or maintenance of the energy facility.

(3) If a certificate is issued, the certificate and this part preempt a local policy, practice, regulation, rule, or other ordinance that prohibits, regulates, or imposes additional or more restrictive requirements than those specified in the commission's certificate.

(4) If a certificate is not issued, all local policies, practices, regulations, rules, or ordinances relating to the siting of energy facilities, including, but not limited to, the local zoning authority's power to grant variances, remain in full force and effect.

(5) Except as provided in this section, this part does not exempt an electric provider or IPP to whom a certificate is issued from obtaining any other permit, license, or permission to engage in the construction or operation of an energy facility that is required by federal law, any other law of this state, including, but not limited to, the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, any rule promulgated under a law of this state, or a local ordinance.

Sec. 232. Section 5 of 1846 RS 1, MCL 8.5, applies to the amendatory act that added this section.

Enacting section 1. This amendatory act takes effect 1 year after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 588 or House Bill No. 5121 of the 102nd Legislature is enacted into law.


Clerk of the House of Representatives


Secretary of the Senate

Approved _____

Governor



MEMO

Charter Township of Comstock Planning Commission August 13, 2026

From: Kyle Mucha, Principal Planner

Re: Proposed Text Amendment - Comstock Center District - Foster
Care Emergency Shelter

Initiate review of the proposed text amendment, to allow for foster care emergency shelter within the Comstock Center Zoning District.

Attachments:

[Kerney Text Amendment - DHHS - 2026_0804.pdf](#)
[Comstock Center - District Regulations.pdf](#)



Memorandum

TO: Comstock Charter Township Planning Commission
FROM: Kyle Mucha, AICP – Principal Planner/Township Planning Consultant
SUBJECT: Text Amendment Proposal – *Child Foster Care Logistics Support Office and Emergency Shelter*
DATE: August 4, 2026

Dear Comstock Charter Township Planning Commission,

A request for a zoning ordinance text amendment has been submitted for consideration to the Township Board, in which the applicant seeks to modify the *Comstock Center* District to permit foster care support services, centering around logistics management and emergency shelter. The applicant proposes to collaborate with the Department of Health and Human Services (DHHS), who has provided the following synopsis of the proposed amendment:

The idea of the space would be an office space where trainings and/or support groups for foster parents could attend, visitations for parents and children or sibling visitations could take place, retention events for foster parents could take place, youth in foster care could go to cool down and have a space away from the home, as well as a space to spend time until placement was secured as opposed to sitting in the office. It would be ideal if youth could be in this space overnight if needed. – Tamah Allen, Licensing Specialist, Kalamazoo DHHS (Department of Health and Human Services).

The following analysis and proposed text language have been prepared for consideration before the Comstock Charter Township Planning Commission.

COMSTOCK CENTER (CC) - PERMITTED USES, DISTRICT SPECIFIC

The intent of the CC, Comstock Center District states the following:

The zoning ordinance regulates the intensity and use of development, which is appropriate in most areas of the Township. There are also areas within the Township in which the master plan and other planning documents place greater emphasis on regulating form and character of development as well as use and intensity of use. The Comstock Center district (CC) zones use form-based provisions to accomplish this, with a special sensitivity to the contextual relevance of four unique Comstock Center zones within the overall district. This unique zoning district allows the Township more flexibility to regulate land use for this important area to encourage a viable, dynamic mix of uses.

Physically, the Comstock Center district is focused on increased and sustained land use intensity and improved public amenities that are oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use inherent in the overall CC provisions, paired with the prescriptive physical development regulations will result in a compact, walkable environment that creates new opportunities for investment while protecting positive attributes of the existing area.

Specifically, the CC will do the following:



- a) *Promote economic development opportunities by allowing a wider range of potential uses and creative redevelopment techniques that will expand the variety of businesses in the area and the value of land.*
- b) *Promote mixed-use development in both a horizontal and vertical form.*
- c) *Ensure that development is of human scale, primarily pedestrian-oriented and designed to create attractive streetscapes and pedestrian spaces.*
- d) *Provide a simple, predictable, efficient way to allow innovative development that would otherwise require special planning procedures.*
- e) *Encourage the expansion of the residential element within Comstock Center to build upon the mixed use environment.*
- f) *Allow for a development pattern in which new buildings and building modifications enhance and improve upon the character of the built environment and work toward implementing the Comstock Township Master Plan and Comstock Center Place Plan for Redevelopment and Prosperity.*
- g) *Orient building entrances and storefronts to the street to add visual interest, increase pedestrian traffic, create outdoor spaces and for place-making.*
- h) *Enhance a sense of place and contribute to the sustainability of Comstock Center and the Township.*

The Township's Zoning Ordinance, pages 3-32 to 3-34 list the permitted by right (P), special land use (S) and not permitted (NP) within the four (4) subdistricts of the CC zoning classification. A full permitted use table listing has been provided as an appendix to this report. Currently, the CC district regulates the following type of care facilities:

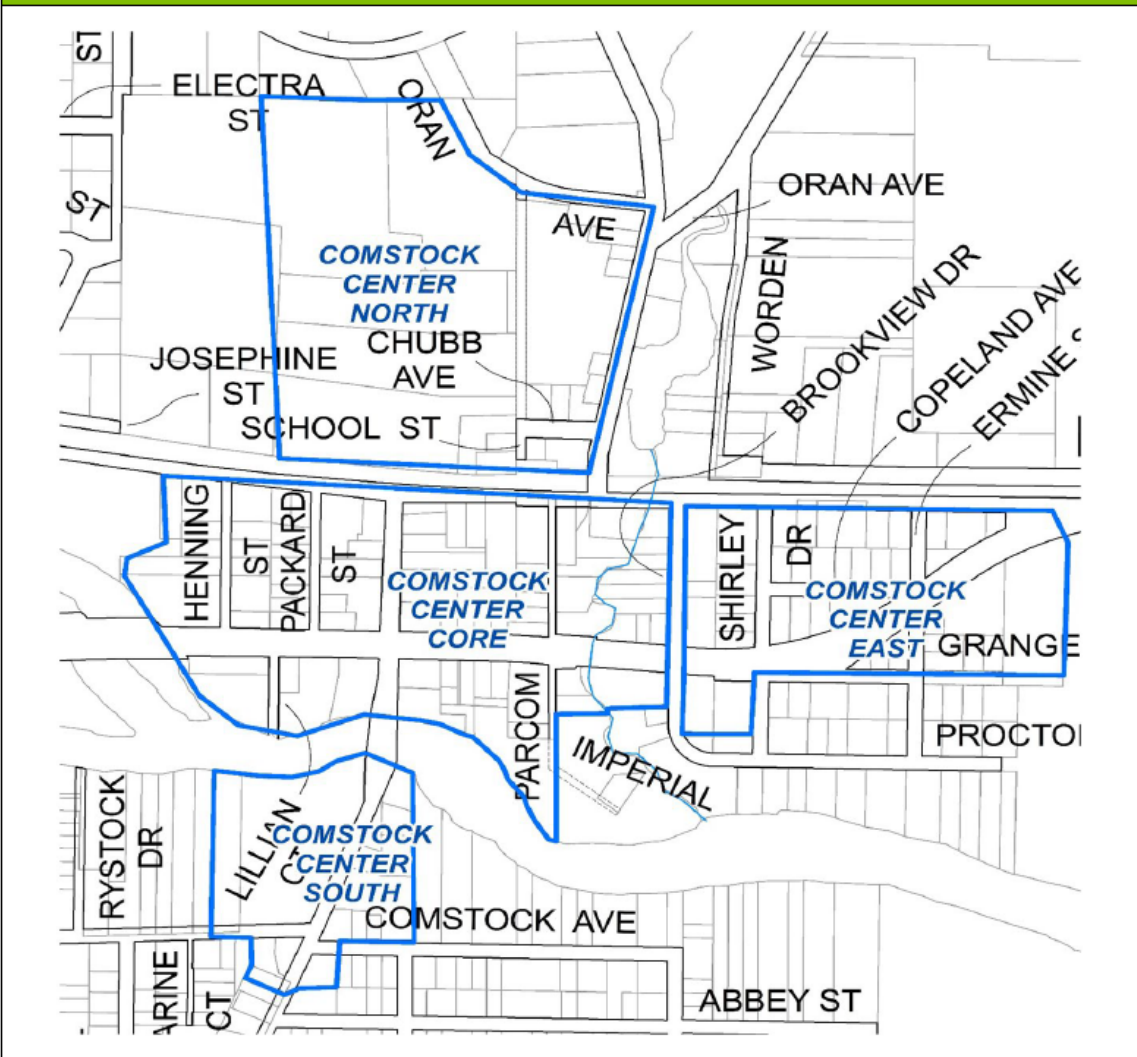


Table 3.1(J)(3) List of Uses - CC Comstock Center					
Use	Zones				Use Standard (if any)
	CC-C	CC-S	CC-E	CC-N	
Adult day care centers ¹	NP	P	P	P	
Adult day care family home ¹	P	P	P	P	
Adult day care group home ¹	NP	S	S	S	
Adult foster care family home ¹	NP	P	P	P	
Adult foster care small group home ¹	NP	NP	NP	S	
Automobile repair facilities ¹	S	S	S	NP	\$4.1
Automobile service stations ¹	S	S	S	NP	\$4.7
Battery Energy Storage Systems, On-Site ¹	P	P	P	P	\$4.62
Bed and breakfast	P ¹	P	P	P	
Brewpubs, ¹ without a drive-up service window	P	P	NP	NP	\$4.9
Business service establishments ¹	P	P	P	P	
Child care centers ¹	NP	NP	S	S	\$4.13
Craft and trade service establishments ¹	S	S	S	S	
Distilleries ¹ and wineries ¹	S	S	NP	P	
Essential services ¹	S	S	S	S	\$4.18
Family child care homes ¹	P	P	P	P	\$4.13
Financial establishments, with drive-in or drive-up service	NP	NP	S	NP	
Financial establishments, ¹ without a drive-thru window	P	P	P	P	
Funeral homes	P	P	P	S	
Group child care homes ¹	NP	NP	S	S	\$4.59
Human care, residential facilities for ¹	NP	NP	NP	P	\$4.44

Findings: the applicant seeks to allow for this additional care-type use and emergency shelter within the Comstock Center Core portion of the District. As noted above in the permitted use table, the CC-C District only permits adult care family home(s), with all other types of care facilities and use-types being classified as NP, Not Permitted. The particular site that the applicant has proposed for this suggested use would be located within the CC-C region. Given that only one of the listed type of care facilities is considered *permitted* in the core region, the Planning Commission may seek to review the entirety of the uses classified as permitted, special land use and not permitted within this subarea to determine if additional modifications to the table are warranted.



Table 3.1.J(6)(e) Map of Comstock Center Zones





CONSIDERATIONS

As noted in the previous section, the Comstock Center – Core District is limited on care facility (use) options. As summarized previously, the applicant seeks to modify the zoning ordinance in order to permit emergency shelter and logistical support for the foster care system. The following is offered for consideration by the Planning Commission.

A. Definition

The following definition is offered for consideration:

Child Foster Care Logistics Support Office and Emergency Shelter

A facility operated by a licensed child welfare, foster care, or social service organization that provides administrative, operational, and support services for foster care programs, including case management, staff coordination, training, transportation dispatch, family support services, intake and assessment activities, and the storage and distribution of supplies for foster children and foster families. The use may also include a temporary emergency shelter component providing short-term, supervised accommodation for children who are awaiting foster placement, reunification, protective services intervention, or other authorized care arrangements. Such accommodations shall not constitute a permanent residential use and shall be limited to temporary occupancy in accordance with applicable state licensing requirements.

B. Use Type – Permitted or Special Land Use

The Planning Commission should discuss whether to make this type of use a *permitted* or *special land use*. For clarification, *special land uses*, per the Township's Zoning Ordinance, “*are recognized as possessing characteristics of such unique and special nature (relative to design, size, public utility needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.*”

While the applicant has received the supplemental descriptive text from a local agent with the Department of Health and Human Services, further questions pertaining to this particular land use and the intent should be directed to the applicant themselves, in order to better describe the vision and intent of the ordinance amendment.

The Commission should consider the other types of uses similar to that being proposed, and how the ordinance classifies such uses (permitted, special use, not permitted) in order to determine if the proposed use meets the intent and character of the Comstock Center – Core District vision.

For clarification, a permitted use would be allowed ‘by-right’ without the need for additional scrutiny as is required via a special land use. A special land use would require a public hearing and notification to every property within a 300-foot radius of a subject site in which this particular use would seek to operate.

C. Use Standards

As the Commission may be aware, established uses within the Zoning Ordinance may have additional regulations above and beyond that of general requirements – for a full listing, please defer to Article 4 – Use Standards. These additional standards take into consideration the potential impact an identified land use type may have on its surroundings, often offering further protections to adjacent land owners in order to lessen any



perceived or potential adverse impact. Because of what the applicant proposes to establish within the Comstock Center – Core District, the Commission may wish to consider use standards that address the following. Note, the below should not be considered an exhaustive list, but may be utilized as a starting point for discussion.

- i. Minimum Square Footage – Sleeping Space.
- ii. Maximum Bed Count
- iii. Minimum Floor Area – Square Footage
- iv. Hours of Operation – If Applicable
- v. Proximity to Adjacent Residential Dwellings
- vi. Separation Requirements From Other Sensitive Land Uses

The above listing is not intended to detract from that which the applicant seeks; however, the listing is to generate thoughtful discussion amongst the Planning Commission as to any potential adverse impacts and unintended consequences this type of land use may have on the area.

Further, given the lack of supporting documentation the applicant has provided pertaining to this request, the guidance that can be offered *at this time* is limited. Should the applicant be able to provide further documentation and supporting educational resources pertaining to this particular land use, it is anticipated that the preliminary findings of this analysis would be modified to account for this new information.

It may be acceptable for the Commission to find that no additional use standards are required or warranted; however, that determination should be made after review of the requested amendment.

NEXT STEPS

The Planning Commission is encouraged to review the documentation provided by the applicant – Tim Kerney – and discuss this proposed land use in the context of the Comstock Center – Core District. Further dialogue with the applicant is encouraged in order to better understand the intent and vision for this proposal.

In addition to reviewing this particular request, the Commission is encouraged to analyze similar land uses within the Comstock Center District and determine if such uses are appropriately classified (permitted, special use, not-permitted) and if modifications to such uses are warranted.

Respectfully,

McKenna

Kyle Mucha, AICP
Principal Planner
Comstock Township Planning & Zoning

3.1.J

CC Comstock Center

2. Applicability and organization

Any new use, building, or expansion of an existing use or building, unless otherwise noted herein, shall comply with the requirements of this district and other applicable requirements of this ordinance. Uses, buildings and structures that are nonconforming to the requirements of this district are subject to the regulations of [Section 7.13 Nonconforming uses and buildings](#) except as may be exempted herein.

- a. The CC is divided into four Zones. These four Zones are identified as the Comstock Center Core (CC-C), Comstock Center East (CC-E), Comstock Center South (CC-S) and Comstock Center North (CC-N). These Zones are identified on the zoning map as separate and distinct Zones within the overall CC zoning classification.
- b. The standards of [subsection 4\(b\)](#), Landscape and streetscape elements, and [subsection 5](#), Design standards, shall not apply to:
 - i. Continuation of an existing permitted use within an existing building provided the use is permitted in the Zone of the CC where the site is located.
 - ii. Reoccupation of an existing building with a use provided the new use is permitted in the Zone of the CC where the site is located.
 - iii. The expansion of an existing building, whether conforming or legally nonconforming, by less than 500 square feet or five percent, whichever is less, when the building will be occupied or reoccupied by a use permitted in the Zone of the CC where the site is located.
 - iv. Change of use within existing buildings provided the new use is permitted in the Zone of the CC where the site is located.
 - v. Normal repair and maintenance of existing buildings that do not increase their size.
 - vi. Continuation of a legal nonconforming use, building, and/or structure.
- c. This section contains a set of regulations unique to the CC. Specifically, these include:
 - i. General standards that apply to all CC properties and special provisions for parking, landscape and streetscape elements.
 - ii. [Table 3.1\(J\)\(3\) List of Uses - CC Comstock Center](#) that provides for a dynamic mix of uses throughout the Zones.
 - iii. Design standards applicable to all CC properties.
 - iv. Form-based dimensional requirements for the Zones. These include special provisions not found in other zoning districts, including the following:
 - (1) Minimum and maximum height.
 - (2) Required building lines and setback lines.
 - (3) Exemptions and modifications from form-based provisions for streetscape elements.
 - (4) Parking placement.
 - (5) Lot coverage and open space.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.J

CC Comstock Center

3. Uses allowed

Allowed uses are identified in [Table 3.1\(J\)\(3\) List of Uses - CC Comstock Center](#). If a use is not listed but is similar to other uses within a category, the Zoning Administrator may make the interpretation that the use is similar to other uses and is permitted to the same extent and under the same conditions as the similar use.

Table 3.1(J)(3) List of Uses - CC Comstock Center

Use	Zones				Use Standard (if any)
	CC-C	CC-S	CC-E	CC-N	
Adult day care centers ¹	NP	P	P	P	
Adult day care family home ¹	P	P	P	P	
Adult day care group home ¹	NP	S	S	S	
Adult foster care family home ¹	NP	P	P	P	
Adult foster care small group home ¹	NP	NP	NP	S	
Automobile repair facilities ¹	S	S	S	NP	§4.1
Automobile service stations ¹	S	S	S	NP	§4.7
Battery Energy Storage Systems, On-Site ¹	P	P	P	P	§4.62
Bed and breakfast	P ¹	P	P	P	
Brewpubs, ¹ without a drive-up service window	P	P	NP	NP	§4.9
Business service establishments ¹	P	P	P	P	
Child care centers ¹	NP	NP	S	S	§4.13
Craft and trade service establishments ¹	S	S	S	S	
Distilleries ¹ and wineries ¹	S	S	NP	P	
Essential services ¹	S	S	S	S	§4.18
Family child care homes ¹	P	P	P	P	§4.13
Financial establishments, with drive-in or drive-up service	NP	NP	S	NP	
Financial establishments, ¹ without a drive-thru window	P	P	P	P	
Funeral homes	P	P	P	S	
Group child care homes ¹	NP	NP	S	S	§4.59
Human care, residential facilities for ¹	NP	NP	NP	P	§4.44
Places of worship	P	P	P	P	§4.37
Housing for the elderly	NP	NP	NP	P	§4.24
Laundry/laundromats, ¹ self-service	P	P	P	NP	

Uses are permitted by right (P), as a use subject to special land use approval (S), not permitted (NP), or permitted on upper floors only (UP).

¹ Not permitted on lots with majority of lot frontage on King Highway or Michigan Avenue.

² Subject to §3.14, subsection C.

3.1.J CC Comstock Center

Table 3.1(J)(3) List of Uses - CC Comstock Center (Continued)

Use	Zones				Use Standard (if any)
	CC-C	CC-S	CC-E	CC-N	
Laundry or dry cleaning outlets,  with drive-in or drive-up service	NP	NP	S	NP	§4.28
Laundry or dry cleaning outlets,  without drive-up service	S	S	S	NP	§4.28
Low impact research and development	NP	NP	NP	P	
Micro breweries 	S	S	NP	P	
Mobile vendors 	P	P	P	P	§4.31
Multiple-family dwellings  and loft apartments ²	UP	P	P	P	§4.17
Multiple-family dwellings  architecturally designed as townhomes/row houses ²	P	P	P	P	§4.17
Open air businesses 	P	P	P	NP	§4.35
Personal service establishments 	P	P	P	NP	
Physical culture establishments 	S	S	S	S	
Private service clubs, fraternal organizations and lodge halls	P	P	P	P	§4.39
Office buildings and uses	S	P	P	P	
Medical or dental clinics	S	P	P	P	
Laboratories	S	P	P	P	
Publicly owned buildings including libraries, post offices, community centers, and museums	P	P	P	P	
Public utility transformer stations and substations, telephone exchanges and public utility offices	NP	NP	NP	S	
Recreational facilities,  indoor 	NP	NP	NP	S	
Restaurants,  carry out 	P	P	NP	NP	§4.45
Restaurants,  fast food 	P	P	NP	NP	§4.45
Restaurants,  outdoor dining 	P	P	NP	NP	§4.45
Restaurants,  sit down 	P	P	NP	NP	§4.45
Retail establishments 	P	P	NP	NP	
Schools, private	NP	NP	NP	P	§4.59
Schools, vocational and technical	NP	NP	NP	P	§4.59
Single-family dwellings 	P ¹	P	P	P	§4.17

Uses are permitted by right (P), as a use subject to special land use approval (S), not permitted (NP), or permitted on upper floors only (UP).

¹ Not permitted on lots with majority of lot frontage on King Highway or Michigan Avenue.

² Subject to §3.14, subsection C.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

3.1.J CC Comstock Center

Table 3.1(J)(3) List of Uses - CC Comstock Center (Continued)

Use	Zones				Use Standard (if any)
	CC-C	CC-S	CC-E	CC-N	
Studios for musical, dance, or artistic instruction	P	P	P	P	
Temporary outdoor sales and service	P	P	P	P	§4.50
Temporary use for anemometers and supporting towers	S	S	S	S	§4.52
Two-family dwellings,  attached (duplexes)	P ¹	P	P	P	§4.17
Veterinary offices, hospitals, and clinics	S	S	S	S	§4.58
Uses are permitted by right (P), as a use subject to special land use approval (S), not permitted (NP), or permitted on upper floors only (UP). ¹ Not permitted on lots with majority of lot frontage on King Highway or Michigan Avenue. ² Subject to §3.14, subsection C.					

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.J

CC Comstock Center

4. Standards applicable to Comstock Center Zones

a. **Parking.**

- i. **CC-C Zone and CC-S Zone parking.** To encourage redevelopment within the CC-C Zone and the CC-S Zone, a change of use that is required by this ordinance to provide less than 10 parking spaces as determined through the site plan review process shall be exempt from providing any new parking.
- ii. **CC-E Zone and CC-N Zone parking.** Parking shall be provided for CC-E Zone and CC-N Zone sites in accordance with the provisions of [Section 5.2 Off-street parking requirements](#) of this ordinance.
- iii. **Parking location.** When provided on-site, whether required or not, parking must comply with the following:
 - (1) When parking is located in a side yard but fronts on a required building line, no more than 25 percent of the building line not occupied by a building or 60 feet, whichever is greater, shall have parking abutting.
 - (2) For a corner lot or lot with multiple frontages, no more than 25 percent of the required building lines not occupied by a building or 60 feet, whichever is greater, shall have parking abutting.

b. **Landscape and streetscape elements** shall be required in accordance with [Section 5.4](#)

[Landscaping](#) of this ordinance and the following. Whenever provisions of [Section 5.4 Landscaping](#) (or any other provisions of this ordinance) conflict with provisions of this district, the provision of this district shall prevail.

- i. Street furniture shall be provided at a ratio of one element for every 30 linear feet of frontage along a right-of-way in Zone CC-C and Zone CC-S and one element for every 100 feet in Zone CC-E and Zone CC-N. Street furniture features may be located in the right-of-way or on private property, provided it is located between the front building line and the back-of-curb. Permitted street furniture features include the following:
 - (1) A permanently mounted seating fixture constructed of decorative metal.
 - (2) A permanently reserved planting bed with defined, durable edges. Such beds must be a minimum of 12 square feet in area and should be raised or protected from the surrounding paved areas by a durable curb, edge or other design feature. Planting beds must be properly maintained and planted with hardy plants and general areas within planting beds must be planted with groundcover.
 - (3) Waste receptacle constructed of decorative metal.
 - (4) A permanently mounted bicycle rack constructed of decorative metal or other materials as may be approved by the Planning Commission.
- ii. Parking areas which front on a right-of-way shall be screened from the public right-of-way in Zones CC-C, CC-E and CC-S when the measurement of the parking area adjacent to the right-of-way is greater than 40 contiguous feet in any section. The height of landscaping, fences, and walls shall be between 30 and 36 inches in height measured from the grade of the adjacent sidewalk. Screening shall consist of the following:
 - (1) A brick wall with stone or precast cap shall be placed along the right-of-way line of off-street parking areas except in the location of access drives or walks; or

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.J CC Comstock Center

- (2) Dense landscaping installed and maintained between 30” and 36” in height, providing sufficient year-long screening, while not infringing onto the public sidewalk, and adhering to the requirements of the Road Commission of Kalamazoo County and as approved by the Planning Commission; or
 - (3) A combination of landscaping and brick knee wall as approved by the Planning Commission; or
 - (4) The use of wrought iron or aesthetically equivalent fencing between stone or brick columns; or
 - (5) If the width of the area between the public sidewalk or right-of-way and the off-street parking area is greater than 4 feet and the parking area has a concrete curb, then no screening is required; however a grass or landscaped greenbelt shall be maintained.
- c. **Kalamazoo River frontage.** When properties in Zone CC-C and Zone CC-S abut the Kalamazoo River, the site shall be designed to allow for a future pedestrian path along the Kalamazoo River. To that end, all site improvements such as parking, dumpsters and buildings shall be setback from the property line abutting the river’s edge at least 25 feet.
 - d. **Planning Commission modification.** Any of the landscape and/or streetscape provisions noted above may be waived or modified through site plan approval, provided the Planning Commission first makes a finding:
 - i. That a physical site feature or characteristic create conditions that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative designs.
 - ii. That the public benefit intended to be secured by the provisions will exist with less than the required landscaping or screening.

3.1.J

CC Comstock Center

5. Design standards

In addition to standards set forth in this section, all proposed development in the CC shall comply with the standards set forth herein.

- a. **Building design and materials.**
 - i. **Overall design.** It is the intent of this section to improve the appearance of and add visual interest to the CC. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
 - ii. **Materials.** Durable building materials, simple configurations and solid craftsmanship are required. Fifty percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency and ground story activation requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior insulation finishing systems (E.I.F.S.) and vinyl or aluminum siding may not constitute more than ten percent of the surface area of any façade's overall surface area.
- b. **Modulation required.** Modulation is required to ensure that the building is not monotonous in appearance. Modulation is defined as a change in the vertical plane of the building façade. Building façades shall be modulated at least every 30 feet horizontally and at least every 20 feet vertically. Modulations shall measure at least three inches perpendicular to the building face.
- c. **Ground story activation.**
 - i. **Transparency.**
 - (1) The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street. The first floor of any front façade facing a right-of-way shall be no less than 50 percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the façade.
 - (2) Transparency requirements shall not apply to sides which abut an alley.
 - (3) Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from a public open space or right-of-way.
 - ii. **Transparency alternatives.** The following alternatives may be used singularly or in combination. They may count toward no more than 80 percent of the transparency requirement.
 - (1) **Wall design.** Wall designs that provide visual interest and pedestrian scale may count as a transparency alternative if they provide a minimum of three of the following elements, occurring at intervals no greater than 25 feet horizontally and 10 feet vertically:
 - (a) Expression of structural system and infill panels through change in plane not less than three inches.
 - (b) System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters.
 - (c) System of horizontal and vertical reveals not less than one inch in width/depth.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.J

CC Comstock Center

- (d) Variations in material module, pattern and/or color.
- (e) System of integrated architectural ornamentation.
- (f) Green screen or planter walls.
- (g) Translucent, fritted, patterned, or colored glazing.

- (2) **Outdoor dining/seating.** Outdoor dining/seating located between the building and the primary street lot line may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area.
- (3) **Permanent art.** Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior environment and permanently integrated into the building wall or immediately between the building wall and the right-of-way may count toward the transparency requirement. Public art alone shall not be an eligible feature to allow the relocation of the required building line identified in [Table 3.1.J\(6\)\(a\) Comstock Center Core \(CC-C\) Form Regulations](#), footnote 2, but may satisfy the ground story activation requirements of [subsection c](#) when located in an otherwise permitted setback area.

d. **Pedestrian access/entrance.**

- i. The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
- ii. A pedestrian connection shall provide a clear, obvious, publicly accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - (1) Fully paved and maintained surface not less than five feet in width.
 - (2) Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - (3) Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
- iii. **Additional entrances.** If a parking area is located in the rear or side yard, it must also have a direct pedestrian entrance to the building that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.

3.1.J

CC Comstock Center

6. Form regulations

Single-family residential dwellings are exempt from the below regulations. All existing and proposed single- and two-family residential uses must meet the area, height, width and setback regulations for the “R1-C”, single-family residential district, pursuant to [Section 3.1.E R1-C Cluster Housing](#) of this Ordinance.

- a. **Comstock Center Core Zone:** Comstock Center Core (CC-C) buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property. CC-C sites must comply with the following regulations:

Table 3.1.J(6)(a) Comstock Center Core (CC-C) Form Regulations			
Type			Regulation
Height	Minimum	Stories	1 story residential 2 stories non-residential 2 stories residential and non-residential in same building
		Feet	12 feet
	Maximum	Stories	3 stories ¹
		Feet	45 feet ¹
	Ground floor minimum	Feet	12 feet
Placement	Front	Required building line ²	25 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration
		Minimum setback	n/a
	Side	Minimum setback	0 feet; 10 feet if abut a single-family residence
	Rear	Minimum setback	0 feet; 10 feet if abut a single-family residence
Lot	Required open space		n/a
	Access and circulation		Driveways may access the site from any side; pedestrian pathways must be provided from the right-of-way to the building entrance.
	Parking location		Parking shall be located in a side or rear yard.

¹ Planning Commission may allow buildings to exceed three stories and/or 45 feet in height as a special land use.

² Planning Commission may adjust the required building setback to a maximum of 40 feet for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and incorporate a permanent wall or landscaping area along the required building setback line.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.J CC Comstock Center

- b. **Comstock Center East Zone:** Comstock Center East (CC-E) buildings and sites will be developed in a manner which contributes to the character of the core, as well as the adjacent residential areas. The CC-E area will provide a transition along Michigan Avenue and King Highway as people enter the downtown area with more intermediate use, dimensional and height regulations. CC-E sites, other than those occupied by a one- or two-family dwelling which shall satisfy the front and side yard setback requirements of lots zoned “R1-C”, Cluster Housing district (see [Section 3.1.E R1-C Cluster Housing](#)), must comply with the following regulations.

Table 3.1.J(6)(b) Comstock Center East (CC-E) Form Regulations

Type			Regulation
Height	Minimum	Stories	1 story
		Feet	12 feet
	Maximum	Stories	2 stories ¹
		Feet	25 feet ¹
Placement	Front	Maximum setback	50 feet
		Minimum setback	20 feet
	Side	Minimum setback	0 feet; 20 feet if abut a single-family residence
	Rear	Minimum setback	0 feet; 20 feet if abut a single-family residence
Lot	Required open space		20 percent
	Access and circulation		Driveways may access the site from any side provided a single-family residence does not abut that same side of the site; pedestrian pathways must be provided from the right-of-way to the building entrance.
	Parking location		Parking shall be located in a side or rear yard. A single row of parking may be placed in front of the building with the row positioned so that vehicles are oriented to face the building or, if adjacent to the right-of-way, oriented parallel to the building provided pedestrian and non-motorized facilities are not impacted as determined by the Planning Commission.

¹ Planning Commission may allow buildings to exceed two stories and/or 25 feet in height as a special land use.

3.1.J

CC Comstock Center

- c. **Comstock Center South Zone:** Comstock Center South (CC-S) buildings and sites will be developed in a manner which contributes to the character of the downtown, as well as the adjacent residential area. The CC-S area will transition the residential areas south of downtown with more intermediate use, dimensional and height regulations. CC-S sites, must comply with the following regulations.

Table 3.1.J(6)(c) Comstock Center South (CC-S) Form Regulations			
Type			Regulation
Height	Minimum	Stories	1 story
		Feet	12 feet
	Maximum	Stories	2 stories ¹
		Feet	25 feet ¹
	Ground floor minimum	Feet	12 feet
Placement	Front	Required building line	25 feet ²
		Minimum setback	n/a
	Side	Minimum setback	n/a
	Rear	Minimum setback	n/a
Lot	Required open space		20 percent
	Access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way to the building entrance.
	Parking location		Parking shall be located in a side or rear yard. A single row of parking may be placed in front of the building with the row positioned so that vehicles are oriented to face the building or, if adjacent to the right-of-way, oriented parallel to the building provided pedestrian and non-motorized facilities are not impacted as determined by the Planning Commission.

¹ Planning Commission may allow buildings to exceed two stories and/or 25 feet in height as a special land use.

² Planning Commission may adjust the required building setback to a maximum of 40 feet for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and incorporate a permanent wall or landscaping area along the required building setback line.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.J CC Comstock Center

- d. **Comstock Center North Zone:** Comstock Center North (CC-N) buildings and sites will be developed in a manner which recognizes the location on the fringe of the downtown area and allows for the continued historic mix of public, residential and institutional land uses. CC-N sites must comply with the following regulations.

Table 3.1.J(6)(d) Comstock Center North (CC-N) Form Regulations

Type			Regulation
Height	Minimum	Stories	1 story
		Feet	12 feet
	Maximum	Stories	3 stories ¹
		Feet	35 feet ¹
	Ground floor minimum	Feet	12 feet
Placement	Front	Required building line	50 feet ²
		Minimum setback	10 feet
	Side	Minimum setback	Nonresidential: 20 feet Residential: One must be at least 10 feet, other must be at least 5 feet
	Rear	Minimum setback	30 feet
Lot	Required open space		20 percent
	Access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.
	Parking location		Parking shall be located in a side or rear yard.

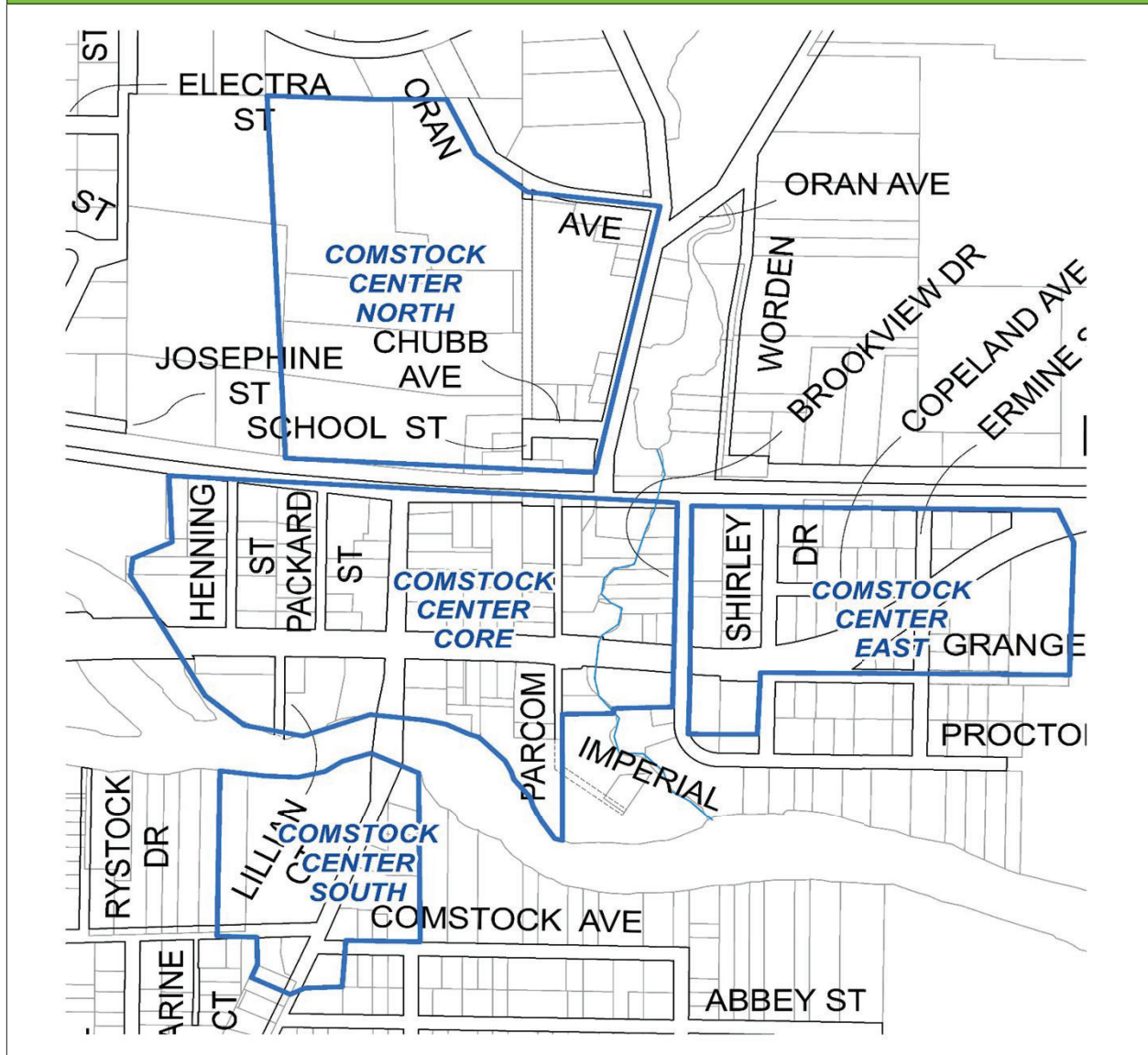
¹ Planning Commission may allow buildings to exceed three stories and/or 35 feet in height as a special land use.

² Planning Commission may allow a greater setback as a special land use.

3.1.J CC Comstock Center

e. Map of Comstock Center Zones:

Table 3.1.J(6)(e) Map of Comstock Center Zones



(Amended by Ord. No. 554, Ord. No. 564)



MEMO

Charter Township of Comstock Planning Commission August 13, 2026

From: Kyle Mucha, Principal Planner

Re: Supplemental Documents - Swan Energy / Cygnet Energy.

Attachments:

[Swan & Cygnet Energy Storage - FAQ.pdf](#)

[Swan - Plan Commission_07_17_2026_final.pdf](#)

SWAN & CYGNET ENERGY STORAGE – FAQ



Q: Are personal water wells adversely affected by a nearby BESS facility?

A: No – the facility will not be a large consumer of water. The only water use proposed at Swan and Cygnet is on-site fire water storage tanks, which hold a fixed volume for the fire department in the unlikely event it is needed, and small operations and maintenance buildings under 1,000 square feet. Any well built at the site will need to be approved by the Kalamazoo County Health Department, the same process that applies to a residential well. If total pump capacity across all proposed wells exceeds 70 gallons per minute, the wells must also be registered with EGLE, which reviews the withdrawal for potential impact on nearby wells and water resources before it can operate.

Q: Will residents on city water need to reduce their usage to accommodate the BESS facility?

A: No – the facility will not be connected to city water and will not use large amounts of water during regular operations. BESS facilities do not require water for batteries to operate or for routine cooling.

Q: What about noise pollution? How is “adjacent non-participating property” defined? Will there be a sound wall?

A: The Charter Township of Comstock Ordinance 564 (Comstock Township BESS Ordinance) defines **non-participating property** as: “Any property that is adjacent to a participating property.”, and defines **Participating Property** as: “A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.” Any property that is adjacent to the parcels that host the battery storage facility are protected by the maximum noise limits. A 14-foot sound wall is proposed along the north, west, and east perimeter fencing. With the proposed sound wall, the anticipated operation noise decibels will not exceed 55 dBA at any non-participating property lines. This will be confirmed via post-construction sound monitoring.

Q: Why is there no sound wall on the southern side of the property:

A: There will be over 700 feet between any battery equipment and the southern property line. Sound levels drop off substantially with distance, and the project's sound modeling confirms that this separation is sufficient for levels at the southern property line to remain below the 55 dBA maximum without a wall. This will be confirmed through post-construction sound monitoring.



Q: Will the facility have fire-resistant casing, advanced monitoring systems that detect and mitigate potential hazards before they escalate, and pressure relief vents?

A: Yes. The facility will be designed and built to NFPA 855, the national safety standard for energy storage facilities, and all battery equipment will be UL 9540 listed.

The battery enclosures are non-combustible steel and are designed to contain a thermal event within any affected unit. Spacing between enclosures is based on UL 9540A large-scale fire testing of the specific equipment, which establishes the separation needed to prevent propagation to other enclosures.

Every battery enclosure includes a Battery Management System that continuously monitors voltage, current, and temperature, along with gas and smoke detection. Abnormal conditions trigger automatic shutdown and isolation of the affected equipment, and alarms are transmitted to a 24/7 remote monitoring center and to the local fire department.

The enclosures include pressure relief and deflagration venting designed to direct gases safely away from the enclosure if ever needed, consistent with NFPA 68 and NFPA 69. Individual battery cells also have integral pressure relief.

The final Fire Response Plan and Emergency Response Plan will be reviewed and approved by the Comstock Township Fire Chief before the facility can be granted building permits.

Q: Will the facility have lightning rods?

A: Yes, there will be two lightning rods located within the project's collector substation.

Q: What will be the light and operational noise impacts on nearby residents?

A: The facility will utilize downward directed (dark sky friendly) LED lighting for security, maintenance, and operational activities. Lighting fixtures will be shielded where practicable and designed to focus illumination within the project area while minimizing off-site light spill and glare onto adjacent properties. The design will be implemented in accordance with township requirements, limiting illumination to no more than 0.5 foot-candles at the property line.

Operational noise impacts will meet the Comstock BESS Ordinance sound requirements to ensure there is not excessive noise from the facility impacting adjacent landowners.



Q: What is the expected impact on local wildlife habitats and daily neighborhood traffic?

A: The project has completed extensive environmental due diligence, and its environmental consultant concluded the project would have minimal impact on the resources studied. A Phase I Environmental Site Assessment identified no recognized environmental conditions on the property. A cultural resources survey, including more than 300 shovel test locations, returned no significant findings, and no sites within the project area are listed on the National Register of Historic Places. Surveys of aquatic resources and wildlife habitat informed the site layout, which is designed to avoid sensitive areas, and tree clearing is limited to the November–March window. With these measures in place, no significant environmental impacts are anticipated. The project is coordinating with the applicable state and federal agencies (EGLE, the State Historic Preservation Office, the U.S. Army Corps of Engineers, and the U.S. Fish & Wildlife Service) as part of its review.

Day to day, the facility generates very little activity. Once operational, a battery storage facility is largely automated and remotely monitored, with at most a few maintenance personnel on site. It receives no fuel deliveries and no ongoing material shipments, so residents should expect a quiet, low-traffic facility. During construction there will be a temporary increase in truck and worker traffic, managed through designated haul routes coordinated with the Kalamazoo County Road Commission.

Q: How is the oil used in the project's transformers regulated?

A: The transformers at the facility contain insulating fluid, which is regulated under Michigan's Part 5 Rules. These rules are administered by EGLE's Water Resources Division under Part 31 of the Natural Resources and Environmental Protection Act and require the facility to prepare a Pollution Incident Prevention Plan, install secondary containment around the equipment, conduct regular surveillance and inspection, and report any release. The owner must give notice that the plan is in place to EGLE, the local emergency planning committee, and the county health department. The facility will also be subject to the federal Spill Prevention, Control, and Countermeasure rule, which imposes parallel containment and inspection requirements.

Q: What are the decommissioning, site restoration, and battery disposal responsibilities?

A: The project will comply with the Comstock Township BESS Ordinance requirements on decommissioning. After the facility reaches the end of its operating life, the site will be decommissioned and restored to meadow like conditions. The decommissioning process will follow the local, state, and industry standards at the time of decommissioning. All personnel working on the BESS equipment must be certified and trained in



decommissioning procedures according to both manufacturer requirements and federal hazardous materials regulations. **It is the responsibility of the owner to decommission the site, not the township.** The owner will provide decommissioning financial assurance to cover the estimated cost of decommissioning the system. The estimated cost of decommissioning the project is approximately \$22,562,000 at the end of its project life cycle; not including the material salvage value of any of the components on site. Per the Ordinance, financial assurance must be posted in full (125%) before the start of commercial operation and continuously maintained for the period of the life of the system.

Q: Will the site include a retention pond to collect stormwater? Will it be lined?

A: The site will include an infiltration detention basin. It will meet the more stringent stormwater requirements between Comstock Township and Kalamazoo County. The basin will not be lined as it is designed to infiltrate to meet Kalamazoo County and Comstock Township channel protection volume requirements. Runoff will first pass through sediment forebays, which capture sediment and debris, before reaching the basin. Larger storms are released slowly through a controlled outlet so downstream conditions aren't affected. Post-construction, runoff rates leaving the site will be lower than they are today. The basin requires and will receive ongoing inspection and maintenance to ensure it operates properly over the life of the project.

Q: Will this affect property values?

A: We are preparing a property value assessment that examines the experience of comparable battery storage developments and will share that analysis with the Plan Commission. Existing studies of operating battery storage and similar facilities have generally not found a consistent negative effect on nearby property values, and the assessment underway will look specifically at projects comparable to Swan & Cygnet Energy Storage.



Swan Battery Energy Storage Project



Comstock, July 23 2026

About CIP



CIP invests in U.S. infrastructure development to strengthen the nation's energy security and reliability

Since entering the U.S. market in 2016, CIP has invested in energy infrastructure across 20 states — creating local jobs, strengthening domestic energy production, and driving economic growth nationwide.

CIP's development pipeline totals approximately 17,000 MW of clean energy — enough to power millions of American homes — backed by a diversified, technology-strong portfolio.

CIP is also developing over **2,000 MW of battery storage capacity in the Midwest**. These batteries enhance grid resilience during weather and grid stress events, helping meet the country's rapidly growing energy demand.



17GW
In CIP's U.S. pipeline



150GW
In CIP's worldwide portfolio



\$34B
Raised for investments in energy and infrastructure



2,500+
Employed across projects in six continents



WHY IS THE PROJECT NEEDED AND WHY NOW



PA 235: 100% Clean Energy by 2040 and 2.5 GW of BESS by 2030

- State mandate requires 2.5 GW of storage by 2030. Only 315 MW is in service today, with ~1.5GW approved across 9 projects statewide – still a long way to go.¹



MISO Zone 7 (Michigan): Reality of Capacity Shortfalls

- Fossil retirements coupled with load growth are eroding reliability and ramping capability across Michigan— storage directly fills the gap those retirements create.
- **Michigan has retired ~3 GW of coal since 2020** and lost its nuclear baseload when Palisades closed in 2022 and has still not been re-opened — retirements outpacing replacements so starkly that DOE **has twice invoked emergency** authority to keep J.H. Campbell coal online past retirement, just to hold MISO Zone 7's reserve margin. That's not something regulators do lightly — it means the grid was close to not having enough power when people needed it most.
- Battery storage is **the fastest way to close that gap**. Unlike a new power plant, which can take years to build, storage systems can be built and connected to the grid in a fraction of the time — which is exactly what Michigan needs right now.



Industrial Load Growth Outpacing the Grid Capacity

- Utilities are increasingly leaning on storage as a 'non-wires alternative' — a way to serve new demand without new transmission. It lets them **use existing infrastructure more optimally** instead of building costly new lines.
- Since T&D investment is consistently one of the largest drivers of the customer bill, deferring it isn't just a time saving tool; it's real, measurable savings

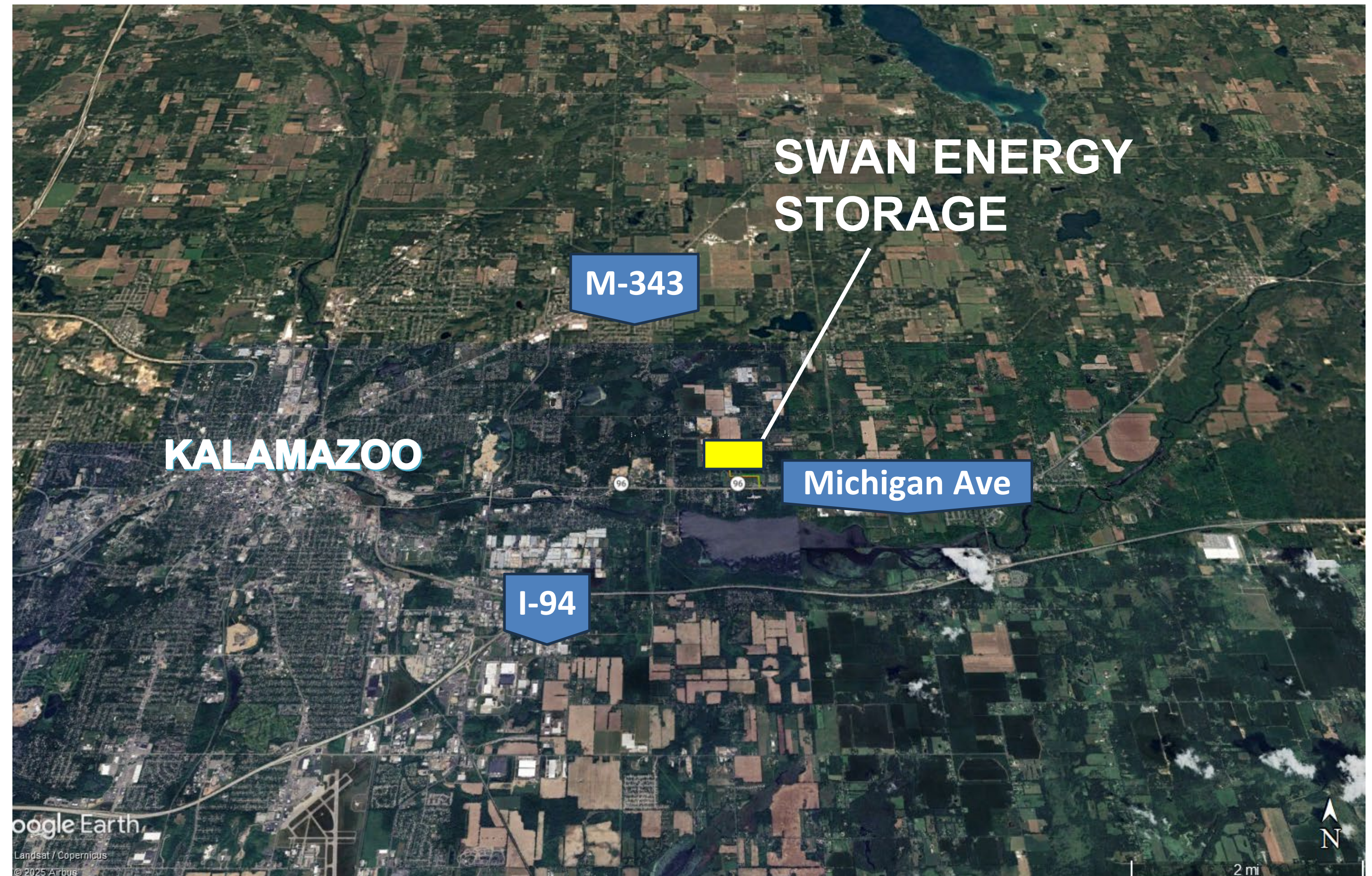
1) ACP (2026) and MPSC website + regulatory dockets

SWAN SITE LOCATION OVERVIEW



PROJECT INFO

- **Location:** Comstock Township
- **Capacity:** 400 MW / 1,600 MWh
(Two 200 MW phases)
- **Battery Type:** Lithium Iron Phosphate (LFP)
- **Total Site:** 144.28 acres
- **Public Open Space:** 100+ acres
(approx. 70% of the property)





WHY COMSTOCK? WHY JAGUAR SUBSTATION?

The BESS facility will connect to the Jaguar substation, providing resilience where the local grid is showing the most stress.

LOCAL POWER LINES ARE AMONG THE TOP 20% BUSIEST IN THE MIDWEST

The local grid is under growing strain

The power lines serving the Kalamazoo–Battle Creek area now rank among the top 20% most congested locations (bottlenecks) across the entire Midwest grid (MISO) — and congestion here has risen sharply every year since 2023.

KEY POWER LINE EXPERIENCED 354 OUTAGES SINCE 2024¹

Local lines fail more often than they should

A single key line serving this area has had 354 unplanned outages since early 2024 — nearly one per day in recent months. At times, 3 or 4 lines have been out at once, leaving only a few paths to deliver power.

POWER DEMAND AT ALL TIME RECORD

Michigan is using more electricity than ever

The state set a new all-time record for electricity use in July 2026 (with peak demand being 14% higher on average than in 2023). During peak hours, power cannot reach this area fast enough — and those bottlenecks show up as higher costs for local customers.

LOCAL SUPPLY WHEN IT'S MOST NEEDED

Batteries work best at the point of need

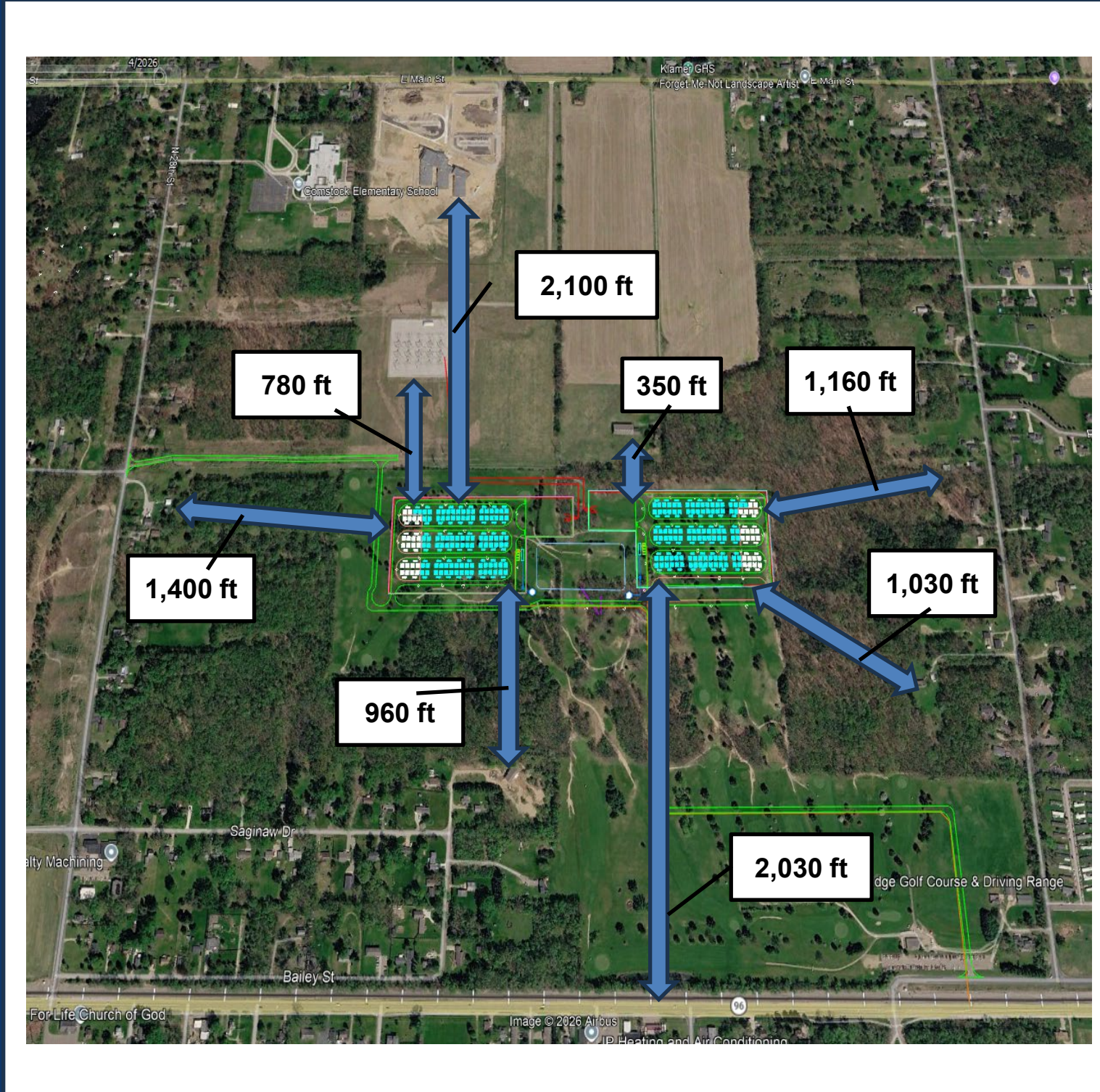
Sited at the substation, Swan charges when the grid has spare room and delivers power locally when lines are congested or out — like a water tower for electricity, filled in advance and ready when needed.

More reliable, more affordable power for Comstock and the surrounding area — without waiting years for new transmission lines.

SOURCE: Yes Energy (MISO market data): pricing, congestion, transmission outage, and demand data, Jan 2023 – Jul 2026; congestion ranking across 2,800+ MISO pricing locations. Analysis by Yes Energy and CIP.



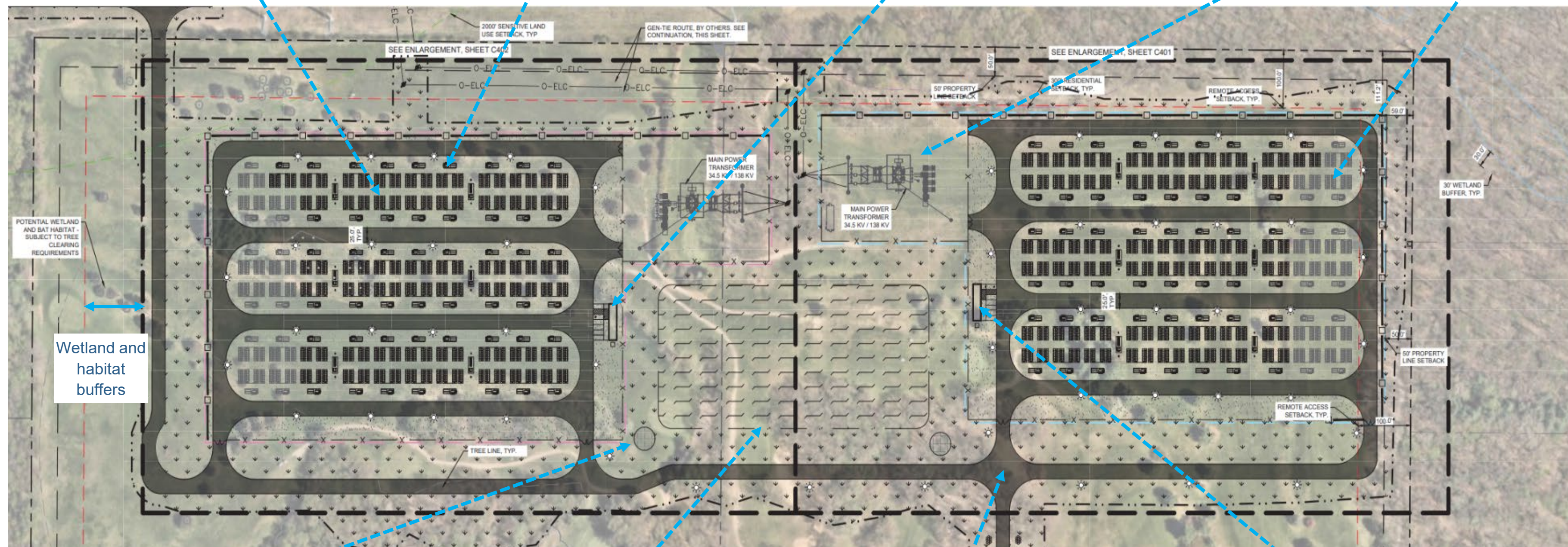
COMPLIANCE WITH TOWNSHIP ORDINANCE



Comstock Township Requirements	Swan Energy Storage
Location & Site Protections: Allowed in BESS Large Off-Site Overlay District; must offer 100 acres to public for recreation	✓ Project sited on 140 acres, with 100 acres for public recreational use
Setbacks: 300 feet from non-participating buildings; 100 feet from public roads; 50 feet from property lines; 2,000 feet from Sensitive Land Uses.	✓ Project greatly exceeding all setback requirements
Sound: Cannot generate more than 55 average hourly decibels & requires sound modeling report	✓ CIP committed and current site plan complies
Lighting: Dark sky-friendly lighting solutions	✓ CIP committed and current site plan complies
Safety: Meets NFPA 855 National Fire Safety Standards	✓ CIP committed to NFPA 855 compliance, including 24/7 monitoring
Landscaping and screening: Blend with surroundings, preserve natural vegetation	✓ CIP committed and current site plan complies.
Stormwater Management plan to ensure no excess runoff	✓ CIP's design features advanced stormwater management systems
Decommissioning: Plan and financial security to guarantee site restoration	✓ CIP committed
Fire Response: Hazard Mitigation Analysis and Emergency Response Plan	✓ CIP committed
Training: Local first responder emergency training on-site	✓ CIP will provide local first responder training before operations and annually after, at no cost to the Township
Community Host Agreement: annual payments of \$825 per megawatt	✓ CIP committed to host agreement and provide other meaningful community Benefits



- Reserved area for
1st/2nd augmentation
phases as capacity is
added over time.



- 7 Water Tanks**
Fire suppression water storage serving the BESS enclosure yard. Locations coordinated with Comstock FD.

- ## 6 Stormwater Pond
- Detention pond manages site drainage and stormwater runoff.

- ## 8 Access Roads
- Compacted aggregate roads provide construction and O&M vehicle access.

- 9 O&M Building**
On-site operations and maintenance facility supporting daily site upkeep.

ENVIRONMENTAL IMPACT



Aquatic Features:

- No floodplains, streams or drainages, or natural wetlands within project site.

Endangered Species & Habitats:

- No sensitive habitats or endangered species identified in field reconnaissance or databases.
- Layout will avoid heavily forested areas and limit tree clearing to Nov-March.

Cultural Resources:

- On-site surveying included 306 shovel tests – all negative for sensitive cultural artifacts.
- No listings from National Register of Historic Places within site.

Phase I ESA:

- No Recognized Environmental Conditions (RECs) Controlled RECS, or gaps in data identified.

Viewshed & Noise:

- Tree Preservation Plan and Vegetation Establishment Plan to ensure tree & shrub screening around perimeter.
- Noise Wall installation to ensure compliance with 55dba limit at the property line.

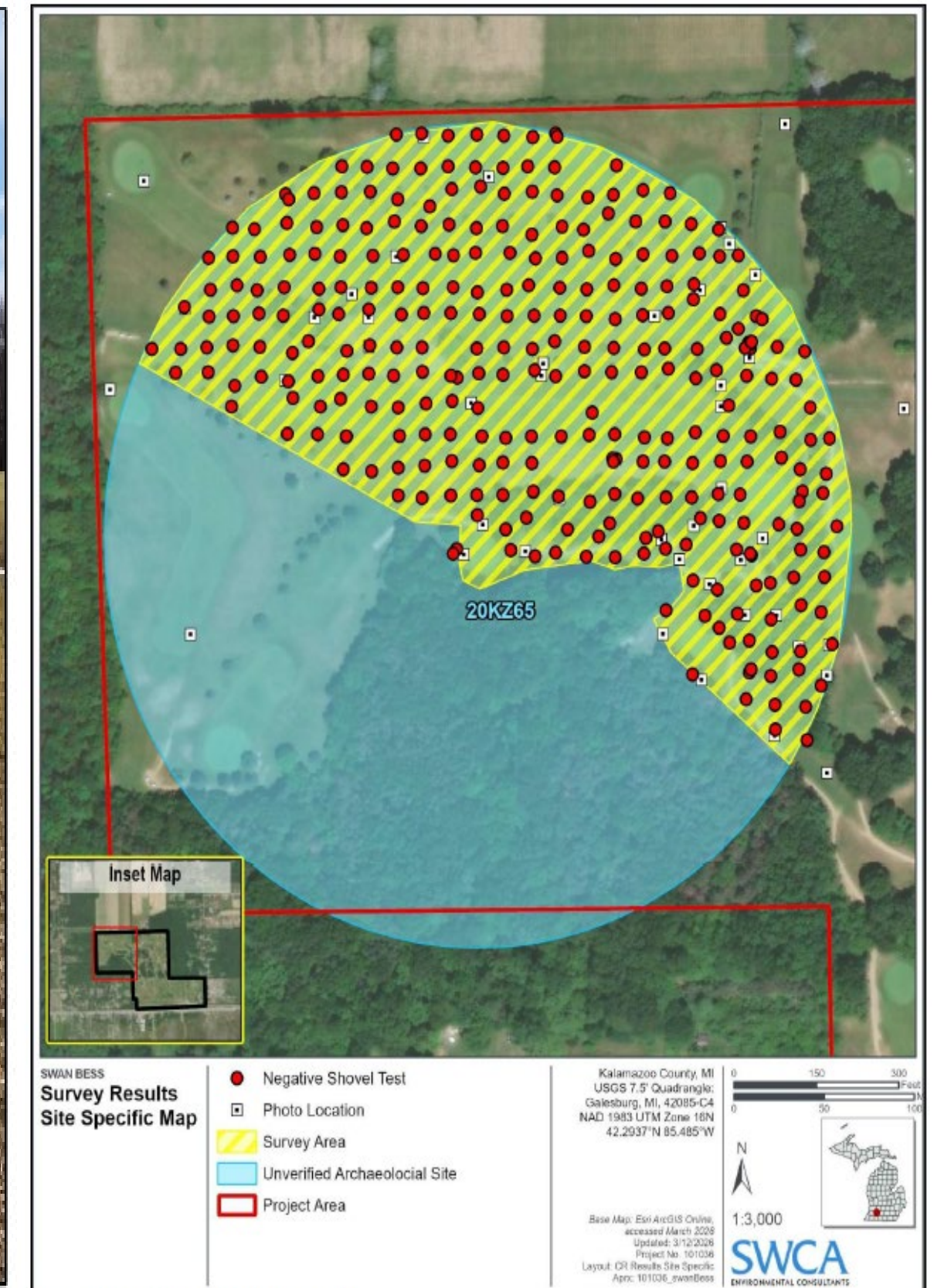


Figure 11. Overview of survey results.



COMMITMENT TO COMSTOCK



Local Benefits:

- **\$500 million** investment, unlocking **\$2 million in EGLE grants** for Comstock.
- Community Host Agreement providing **\$6.6 million and 100+ acres of land** to the Township.
- CIP committed to **providing annual training** to the Comstock Fire Department.
- Nearly **100 local construction jobs** and additional tax revenue to better support schools, public services and infrastructure.
- More **stable and reliable power** to Comstock Township – especially during peak demand times.



REQUIRED REVIEWS & APPROVALS

- **Site Plan & Special Land Use (*per BESS ordinance*)** 
- **Kalamazoo County:**
 - Drain Commissioner
 - Road Commission
 - Health and Community Services Department
- **State & Federal Environmental:**
 - MI Department of Environment Great Lakes and Energy (EGLE)
 - State Historic Preservation Office (SHPO)
 - US Army Corps of Engineers (USACE)
 - US Fish & Wildlife Service (USFWS)
- **Comstock Township Fire Department (Final FRP & ERP)**
- **Building Permits**

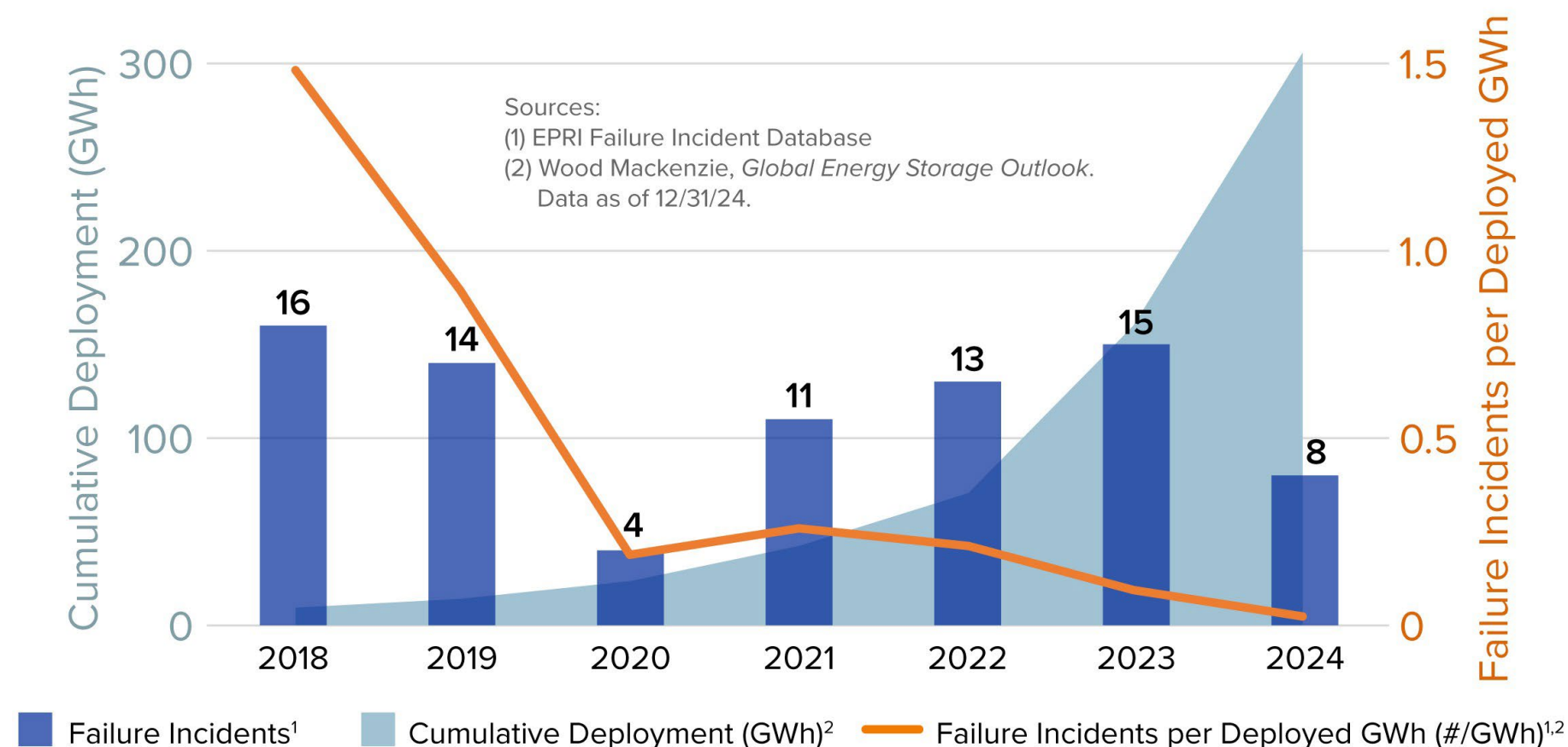
APPENDIX:

SAFETY IS OUR PRIORITY



Multiple layers of protection ensure safe operations

Incident rate **decreased 97%** between 2018 and 2023 even as deployments grew



CIP working closely with Comstock FD on:

- Hazard Mitigation Analysis
- Fire & Emergency Response Plan
- FD Resource Analysis – to ensure adequate equipment and personnel capacity, with any gaps filled by CIP.
- On-site training prior to operations and annually thereafter

Swan Energy Storage design & operations:

- Compliant with **NFPA 855** 2026 standards, and all other relevant codes and standards.
- Will have 24/7 monitoring and on-site maintenance by trained specialists.
- Includes thermal management system that meets all current industry standards for testing and safety.
- Includes internal sensors that are continuously monitoring conditions, can trigger automated shutdown if needed.
- BESS enclosures spaced to prevent propagation, based on real-world destructive testing data.

The Bottom Line: Battery storage systems have an excellent safety record when properly designed, operated and maintained



WHAT IS BATTERY ENERGY STORAGE?



Battery storage is about reliability and preparedness – not changing daily life in the community.



Example of a close-up view of a BESS inside its fenced-in area.

What Battery Energy Storage Is

- A facility that stores electricity – similar to how a phone battery stores power – and delivers it when it's needed most
- Helps keep power reliable and reduces outages for homes and businesses during peak demand, extreme weather or grid stress
- Uses proven technology already operating safely across the U.S.
- Designed with multiple layers of safety, monitoring and emergency planning

What Battery Energy Storage Isn't

- ✗ A power or manufacturing plant
- ✗ Constantly operating — it charges and discharges as needed
- ✗ An increased risk to neighborhoods
- ✗ Loud or disruptive
- ✗ A facility that stores fuel or hazardous waste

What Neighbors Can Expect

- An infrastructure investment that supports modern energy needs
- A quiet, low-profile facility with limited on-site activity
- Built to meet or exceed local and state safety requirements
- 24/7 safety monitoring
- Training and coordination with local fire and emergency responders
- Clear points of contact for questions or concerns

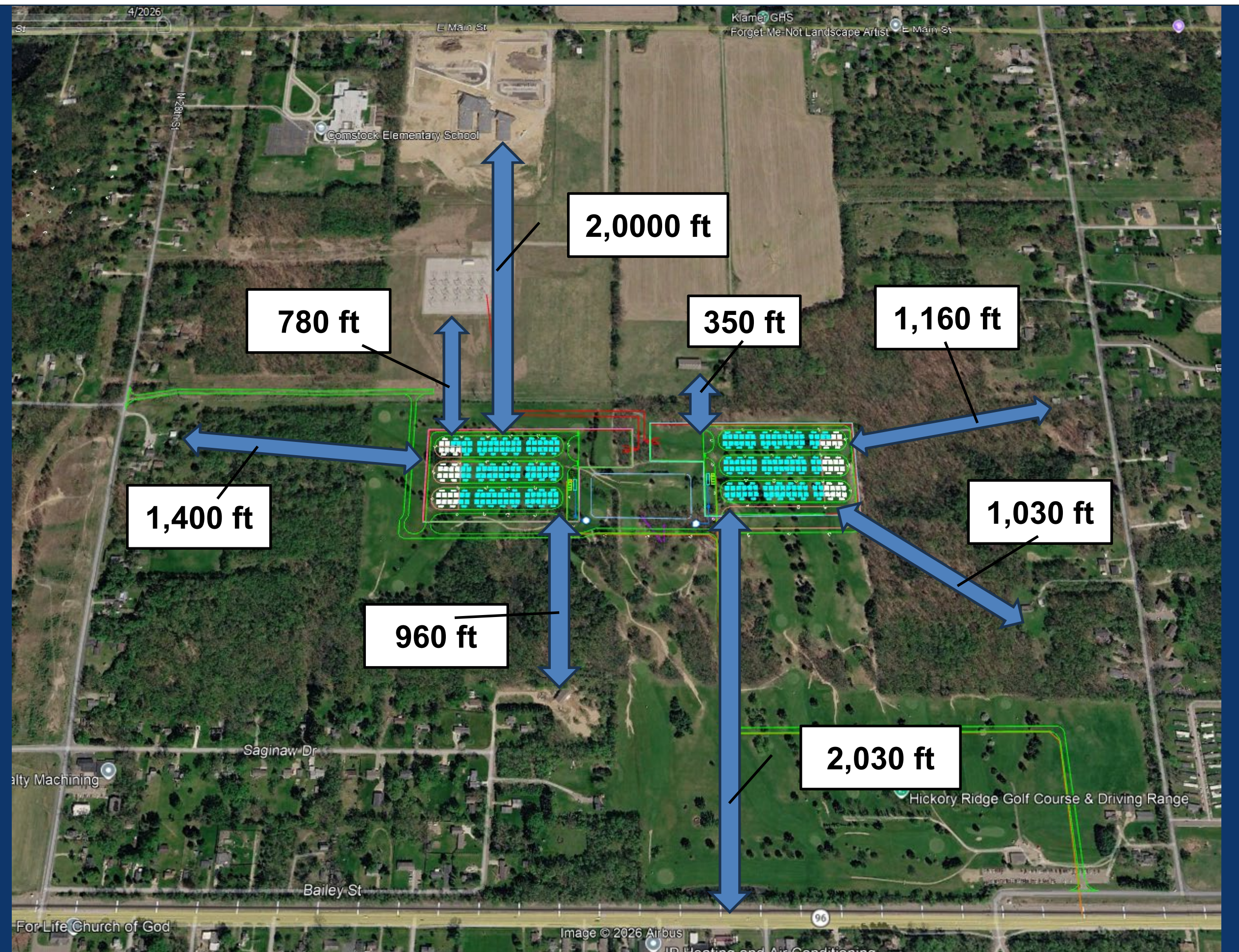


SWAN PROPOSED SITE MAP



Setback Requirements:

- 2,000 ft – Sensitive Land Uses
- 300 ft – Non-participating structures
- 100 ft – Public road ROWs
- 50 ft – All property lines.



COMSTOCK TOWNSHIP REQUIREMENTS



Comstock Township Requirements	Swan Energy Storage
Location & Site Protections: Allowed in BESS Large Off-Site Overlay District; must offer 100 acres to public for recreation	✓ Project sited on 140 acres, with 100 acres for public recreational use
Setbacks: 300 feet from non-participating buildings; 100 feet from public roads; 50 feet from property lines; 2,000 feet from Sensitive Land Uses.	✓ CIP project greatly exceeding all setback requirements
Sound: Cannot generate more than 55 average hourly decibels & requires sound modeling report	✓ CIP committed and current site plan complies.
Lighting: Dark sky-friendly lighting solutions	✓ CIP committed and current site plan complies.
Safety: Meets NFPA 855 National Fire Safety Standards	✓ CIP committed to meet standards and provide 24/7 monitoring
Landscaping and screening: Blend with surroundings, preserve natural vegetation	✓ CIP committed and current site plan complies.
Stormwater Management plan to ensure no excess runoff	✓ CIP's design features advanced stormwater management systems
Decommissioning: Plan and financial security to guarantee site restoration	✓ CIP committed
Fire Response: Hazard Mitigation Analysis and Emergency Response Plan	✓ CIP committed
Training: Local first responder emergency training on-site	✓ CIP will provide local first responder training before operations and annually after, with no cost to the Township
Community Host Agreement: annual payments of \$825 per megawatt	✓ CIP committed to host agreement and provide other meaningful community benefits



WHY BESS SOLVES LOCAL POWER ISSUES



Local Issue	How The Project Helps
This area's grid is more clogged than 83% of the Midwest	✓ Delivers power locally, so less has to get in from outside the region
The cost of moving power here has grown 27x since 2023.	✓ Stores cheap power when lines are open, uses it when they're not
Midwest solar has grown 10x — sometimes there's more power than the wires can handle	✓ Soaks up the extra power instead of letting it go to waste
Michigan just set an all-time record for electricity use	✓ Adds supply at the busiest hours, when it's needed most
Power can't get INTO this area fast enough	✓ Acts as a local power source — nothing to import
The grid pays extreme costs to work around bottlenecks here	✓ Relieves the bottleneck at its source
One key line has failed 354 times in two years	✓ Provides backup while lines are down
Sometimes 3–4 lines are out at once, with no fallback	✓ Keeps power flowing locally when routes are cut off
Even this new substation is already overloaded	✓ Adds capacity without building new lines

