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**NORWAY TOWNSHIP PLANNING COMMISSION  
RESOLUTION GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR  
GROVELAND MINE SOLAR**

**RESOLUTION NO. 23- 06**

At a meeting of the Norway Township Planning Commission,  
Norway Township, Dickinson County, Michigan,  
held on June [28], 2023, at [5:30] p.m. at [insert location]

PRESENT: *Rob Girardi, Mike STENO, Petri Kivisaari, Brian Pellegrini*

ABSENT: *SWANSON, Brent*

The following resolution was offered by *Mike STENO* and supported by *Brian Pellegrini*:

**WHEREAS**, Circle Power Renewables submitted a Conditional Use Permit and Site Plan Review Application dated April 24, 2023 ("Application"), on behalf of Copper Country Power I, LLC, seeking authorization for Copper Country Power I, LLC to construct and operate Groveland Mine Solar, a solar energy facility ("Project") on land in Norway Township, consisting of solar arrays, inverters, transformers, structural supports, project substation, access drives, security fencing, and stormwater and erosion control measures;

**WHEREAS**, the Norway Township Zoning Ordinance, effective November 11, 2020, and last amended December 31, 2022, ("Zoning Ordinance") identifies transmission-connected solar energy facilities as a conditional use in the Resource Production District, and the land identified in the Application is zoned Resource Production;

**WHEREAS**, the Norway Township Clerk caused notice of a public hearing on the Application to be published in The Daily News (Iron Mountain) on May 10, 2023;

**WHEREAS**, the Planning Commission conducted a public hearing on May 30, 2023 at which time representatives of Circle Power Renewables presented and answered questions about the Application and the public was provided the opportunity to comment on the Application; and

**WHEREAS**, the Planning Commission has considered the contents of the Application and Applicant's presentation, Applicant's answers to questions posed by the Planning Commission, the policies of the Norway Township Master Plan, the requirements of the Norway Township Zoning Ordinance, and public comment on the Application;

**NOW, THEREFORE, BE IT RESOLVED**, by the Norway Township Planning Commission, Dickinson County, Michigan, makes the following findings:

**1. Findings Relative to Conditional Use Permit Criteria under Section 1304:**

*1304.A - Will be harmonious with and in accordance with the general policies of Norway Township or with any specific objectives of any adopted development plan.*

Groveland Mine Solar will be harmonious with and in accordance with applicable general policies of the Norway Area Master Plan:

- Section 10.3, Economic Base: Groveland Mine Solar will improve the region's economic base by revitalizing an obsolete iron ore mining and processing facility for a productive use increasing contribution to the tax base. Local taxing entities benefitting from the Project include Norway Township, Norway-Vulcan Area Schools, the Dickinson-Iron ISD, and Dickinson County.
- Section 10.4, Natural Features: Repurposing of the tailings basin of this former industrial site to build a transmission-connected solar facility is an efficient use of land that can help provide an alternative to solar projects being placed on agricultural lands.
- Section 10.8, Recreation: Access to and enjoyment of the Groveland Ponds area located in Norway Township will not be impeded by Groveland Mine Solar.

*1304.B - Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area.*

The character of the surrounding area has a low population density and little traffic. Land uses are predominated by agriculture and silviculture in addition to the presence of abandoned mining and industrial facilities and their associated debris. Like other uses permitted in the Resource Production District, solar electricity generation is a low-impact land use that passively generates electricity.

- Groveland Mine Solar will be a stationary, low-profile, and quiet form of power generation that is compatible with adjacent property uses and will not cause any smoke, odor or fumes.

- The Project will not generate traffic that is detrimental to adjacent property or persons. While workers will periodically visit the facility to address maintenance and repair issues, operating the facility does not require the daily on-site presence of employees.
- The Project will not generate sound that is detrimental to adjacent property or persons. The Project's fixed-tilt solar arrays will emit no sound. The sound emitted by inverters do not exceed 55 decibels at any non-participating property line. The project will not generate sound during the night.
- The installed panels will be less than 12 feet tall and have a limited visibility that will not impede the enjoyment of the nearby Groveland Pond Recreation Area or Pine Creek Basin.

***1304.C - Will not be hazardous or disturbing to existing or future uses.***

The components of a solar project are not hazardous. The panels are primarily silicon, the second most common element on earth. Even if broken, panels do not leak any substance. The electrical equipment, including the wires, poles, inverters, and transformers used to construct the project is the same or similar to that already in use in the area for transmission lines, substations, and voltage transformation.

The Phase I and Phase II environmental assessments conducted at the site by independent environmental consultants indicate that there are no hazardous conditions that would prevent the site from being a safe location for the construction and operation of a solar power project.

***1304.D - Will not diminish the value of land, buildings, or structures in the district.***

Surrounding properties should not diminish in value by the repurposing the abandoned plant area and mining waste of the former Groveland Mine. A solar facility is a low-impact land use that does not produce light or sound that will affect the use or enjoyment of adjoining land. The Project will not create, fume, odor, or glare impacts on adjoining non-participating properties. The installed panels will less than 12 feet tall and have a limited visibility that will not impede the enjoyment of the nearby Groveland Pond Recreation Area or Pine Creek Basin. The Project's visibility will be naturally screened by topographic features and existing vegetation.

***1304.E - Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and wastewater, drainage structures, refuse disposal, and/or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.***

The operation of transmission-connected solar energy generating facilities like Groveland Mine Solar do not require public utilities or place an undue burden on local services. The facility does not require regular on-site employees or water or wastewater disposal to operate.

Thus, the project will not increase demand on local roads or public schools, and will place minimal demands on public services and facilities.

Like all land uses in the township, Groveland Mine Solar will require fire protection. However, solar energy facilities, are not unusually susceptible to fires, and there is no reason to believe the facility will pose an unusual burden on local fire and emergency services. The Project will be installed and operated in compliance with all applicable local, state, and federal fire protection requirements.

***1304.F - Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.***

For the reasons stated above, Groveland Mine Solar makes limited demands of existing infrastructure. Local services will not need to expand as a result of the Project.

***1304.G - Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences.***

Groveland Mine Solar will be a stationary, low profile, quiet form of power generation that will not produce excessive traffic, smoke, odor, fumes, or sound above the permitted levels specified by Section 1319.I, and will not generate traffic that would be detrimental to adjacent property or persons or create electrical or communication interferences.

***1304.H - Will protect the public health, safety and general welfare of the community.***

Groveland Mine Solar is a safe repurposing of a former industrial site that will passively generate electricity without emitting smoke, exhaust, or fumes. It will contribute to the general welfare of the region by paying substantial property taxes for local governments and schools without burdening existing services and infrastructure.

***1304.I - Will be consistent with the intent and purpose of the specific zoning district in which it is located.***

The site of Groveland Mine Solar is zoned for Resource Production and is expected to be Resource Production in the future. Per Norway Township's ordinance, transmission-connected solar is an allowable use in Resource Production Districts with a conditional use permit and is consistent with that zoning district's intent and purpose.

The Norway Area Master Plan defines suitable land uses in a Resource Production District:

The RP Resource Production District is established and maintained for low intensity use of those areas which, because of their location, physical characteristics and current use are suitable for agricultural, forestry and recreational uses. Uses in

this district will normally not be served by municipal water and wastewater services.

Like the nearby timber and agricultural lands located in the District, Groveland Mine Solar will passively harvest another valuable resource: solar energy. A solar facility is a low-intensity land use that generates electricity passively without excessive sound, odor, or glare. Additionally, the Project will not require municipal or wastewater services. The panels will be less than 12 feet tall and have a limited visibility that will not impede the enjoyment of the nearby Groveland Pond Recreation Area or Pine Creek Basin.

## 2. Findings Relative to Site Plan Approval Criteria under Section 1107:

*1107.A.1 - All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed so not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.*

The proposed site is a former open-pit iron ore mine and pellet processing plant that has been out of operation for over 40 years. As determined above, the Project will not generate smoke, fumes, glare, sound or vibration that negatively impact surrounding properties and be largely screened from view by existing vegetation, and therefore would not impede use of the adjoining land for single-family dwellings. The project will not impede the use of the Groveland Ponds area, which will continue to remain accessible throughout the construction and operation of the project via Michigan DNR roads and trails as well as Dickinson County roads. Other aspects of the site plan that sufficiently satisfy this standard include:

- **Grading:** The grading required to prepare the site for development will be minimal. Most grading changes will be one foot or less to level out the terrain. *See Site Plan Sheet C201, "Overall Grading"*
- **Timber Recovery:** Timber recovery is expected to be minimal, with fewer than 8 acres of coniferous forest identified in the tailings area in Norway Township. Outside the township, approximately 25 acres of mixed growth forest was identified on the waste rock piles, which are privately owned and have existing timber agreements in place.
- **Buildings & Land Divisions:** No buildings or enclosed structures are proposed, and no land divisions are required.
- **Lighting:** The panel areas do not require or include night-time security lighting, although there will be security and safety lighting at the Project substation.
- **Sound:** The inverters and transformers are the only components of the site plan that generate sound and those components are sited in manner such that sound levels at non-participating property lines are predicted to not exceed 55 dBA. *See Site Plan Sheets C310*

and C318. The solar panels and racking system that supports the panels will be fixed-tilt, which means that they will not move and thus will also not emit sound.

- **Viewshed:** Where the solar arrays will be sited on waste rock piles, the differences in elevation will limit the panels' visibility. Existing natural vegetation will be preserved between participating and non-participating parcels when feasible.

Because the proposed site plan requires minimal changes to the existing character of the land, the Project represents an efficient and harmonious plan for reuse of the property.

*1107.A.2 - The landscaping shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.*

Groveland Mine Solar will preserve much of the natural landscaping that provides visual screening between participating and non-participating parcels. Topography changes will largely be limited to smoothing the landscape to even out the terrain and allow for the more uniform installation of panels. Soil will not be removed. The site plan largely works with existing conditions instead of altering them. The result is a Project in maximum harmony with the existing condition of the area. See Site Plan Sheet C201, "Overall Grading."

*1107.A.3 - Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.*

Groveland Mine Solar will comply with Section 418 of the Norway Township Ordinance and obtain a Sedimentation Control and Soil Erosion permit from the Dickinson County Construction Council Commission (DCCCC). Civil construction plans for the Project will receive approval from the DCCCC prior to construction start. State statute requires that the project does not increase runoff volume or flow rate. The Project's civil construction will incorporate best management practices to comply with requirements for soil erosion and sedimentation control. Best management practices to control runoff volume and flow include silt fencing, fiber rolls, culverts, and retention basins. See Site Plan Sheets C703, C704, C705, C706.

*1107.A.4 - The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.*

This standard is inapplicable because the site plan does not propose any dwelling units.

*1107.A.5 - All buildings or groups of buildings shall be arranged to permit emergency vehicle access to all sides of each building.*

This standard is inapplicable because the site plan does not propose any buildings.

***1107.A.6 - All buildings or groups of buildings shall be arranged to permit the efficient movement of traffic on the site.***

This standard is inapplicable because the site plan does not propose any buildings.

***1107.A.7 - Parking on the site shall be located so not to impede traffic flow or create an unsafe dangerous situation for motorist or pedestrians. Parking spaces shall be conveniently located near the entrances to the building.***

This standard is inapplicable because no occupied buildings are proposed and there will be no on-site employees.

***1107.A.8 - Every structure or dwelling shall have access to a street, walkway or other area for common use.***

This standard is inapplicable because the site plan does not propose any buildings.

***1107.A.9 - In areas of residential development and significant pedestrian use, streets and roadways shall have a sidewalk at least four feet in width on at least one side of the street or roadway. A planting strip of at least two feet shall separate the sidewalk from the roadway. This standard may be modified by the Zoning Administrator based on site specifics.***

This standard is inapplicable because residential development is not proposed and the project is not located in a residential development area or an area with significant pedestrian use. Groveland Mine Solar will be located on a former mine site zoned for Resource Production.

***1107.A.10 - As an alternative to sidewalks, a pathway/walkway may be constructed to accommodate pedestrian/non-motorized use. The pathway/walkway shall be at least four feet in width and convenient for pedestrian use. Depending on the expected traffic volume, the pathway/walkway could be on the side of the road, striped to separate vehicle traffic from pedestrian/non-motorized use.***

This standard is inapplicable for the reasons stated in response to 1107.A.9.

***1107.A.11 - All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, about a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height with an opacity of at least 75%.***

This standard is inapplicable because loading or unloading areas or trash storage areas are not required or proposed for Groveland Mine Solar

***1107.A.12 - Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.***

This standard is generally inapplicable because exterior lighting is not required for the solar arrays, which comprise a large majority of the site. There will be security and safety lighting at the substation, which will be located more than 500 feet from the road. These lights will be used infrequently as required by Project personnel.

*1107.A.13 - The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets, sidewalks and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall be in compliance with the requirements of the Michigan Department of Transportation and the Norway Area. Driveways and ingress/egress points shall be planned and arranged so as to provide for the safe and efficient movement of traffic.*

This standard is inapplicable because public and common ways are not required or proposed for the facility. The Project's ingress and egress points are designed to meet the applicable requirements of the Michigan Department of Transportation and Michigan Department of Natural Resources. No adjacent developments will use ingress, egress, or the access drives installed by the project.

*1107.A.14 - Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned upon the applicant receiving necessary state and/or federal permits before final site plan approval or a zoning compliance permit is granted.*

The layout of a solar facility is not regulated by any state or federal statutes, and constructing Groveland Mine Solar does not require any federal permits. State and federal agencies have reviewed key elements of the project to ensure it is compliant with state and federal law, as demonstrated by the Application.

**3. Findings Relative to Requirements Governing Transmission-Connected Solar Energy Facilities under Section 1319:**

*1319.A - All solar arrays, inverters, and any operations and maintenance shelter shall be setback 50 feet from the property line of a non-participating parcel and 50 feet from the edge of road right-of-way (edge of right-of-way being 33 feet from the centerline of the right-of-way) irrespective of the existence of any common participating property lines. Access drives, security fencing and transmission lines are permitted within a setback required from a non-participating property line.*

There is no planned operations and maintenance shelter. All solar arrays and inverters are at least 50 feet from the property line of a non-participating parcel and 83 feet (50 feet plus 33 feet to centerline) from the centerline of any road. See Site Plan Sheets C310 to C318.



***1319.B - All solar arrays shall be setback 100 feet from any existing single-family dwelling unit on a non-participating parcel.***

All proposed solar arrays exceed the requirement that they be located at least 100 feet from any existing single-family dwelling unit on a non-participating parcel. No single-family dwelling unit is shown on the Site Plan sheets detailing existing conditions at the site. *See Site Plan Sheets C103 and C105.*

***1319.E - The maximum height of a solar array shall not exceed 25 feet as measured from grade to the top of the PV Panel in its most upright position; substations and transmission lines are not subject to the maximum height limitation.***

The maximum height of the solar array will not exceed 12 feet. *See Site Plan Sheet C750.*

***1319.F - Notwithstanding Section 902, the facility shall be enclosed by a perimeter fence not less than 7 feet in height to restrict unauthorized access. Perimeter fencing may be located within the required setback from non-participating property lines. Barbed wire is not permitted unless required by the National Electric Code.***

The solar panel areas and the project substation will be enclosed with a chain link fence that does not include barbed wire. *See Site Plan Sheets C310 to C318.* The fence will be a minimum of seven feet tall to comply with the National Electric Code. *See Site Plan Sheet C701.*

***1319.G - Access drives shall be designed to minimize the extent of soil disturbance and soil compaction outside the access drive lane, and to maintain surface water flows.***

All access drives are shown in the site plans and are designed to maintain current surface water flows. The Project's final hydrology design, which must be approved by the DCCCC, is being engineered to incorporate best management practices so that neighbors are not negatively impacted by surface water runoff. *See Site Plan Sheets C310 to C318 and Sheet 701.*

***1319.H - Lighting shall be limited to where required for safety and security and shall be shielded to prevent glare or spillover on to adjacent non-participating parcels.***

Lighting will only be installed in areas required for safety and security, primarily the project substation area. Lighting will be shielded to prevent glare and spillover to non-participating parcels.

***1319.I - Inverters shall be placed away from non-participating property lines to the extent practicable to minimize sound pressure levels. Inverter sound pressure levels shall not exceed 55 dBA (Leq 1-hour) at a non-participating property line. The site plane shall include modeled sound isolines extending from the sound source to demonstrate compliance with this standard.***

Modeled sound pressure levels at the Project boundaries do not exceed the applicable limit of 55 dBA. See Site Plan Sheets C310 to C318 and Exhibit H, "Sound Study."

***1319.J - Existing vegetation along a non-participating property line shall be retained to the extent feasible between the facility and adjacent non-participating parcels; setback areas shall comply with Section 901; Sections 903 shall not apply to the collection substation.***

Existing vegetation will be retained, as feasible, between non-participating parcels and the Project. All setback areas comply with Section 901 standards for landscaping.

***1319.K - A groundcover vegetation management plan must be submitted with the site plan. Except for any areas maintained as access roads, the groundcover vegetation management plan must provide for ground cover under and around solar arrays unless a state agency requires otherwise.***

The groundcover vegetation management plan submitted with the site plan is sufficient given that Groveland Mine Solar is sited on the waste rock dumps, mine tailings, and the abandoned plant area of the former Groveland Mine, an area crossed by roads and railroad which compact soils, all of which limit the potential for vegetation growth.

***1319.L - A decommissioning plan must be submitted with the conditional use permit application. The plan must include: (1) description of the manner in which the facility will be decommissioned, including which above and below ground improvements will be removed or retained and how the land will be restored within 18 months after operations cease or are abandoned; (2) projected cost of decommissioning the facility net of salvage value in current dollars; and (3) method of ensuring funds are available for decommissioning (surety bond, irrevocable letter of credit, or cash deposit at applicant's option).***

The Decommissioning Plan submitted with the Application meets the requirements of this section.

***1309.M - A decommissioning agreement between the applicant and the Township Board must be a condition to the effectiveness of a conditional use permit and must include provisions specifying the form of decommissioning security, requiring review of the decommissioning security amount no less than every five years, taking into account inflation, changes in salvage value, and then-current labor and equipment rates, and determining cessation of operations or abandonment.***

The proposed decommissioning agreement submitted with the Application meets the requirements of this section. The Township Board entering into a satisfactory decommissioning agreement with the Applicant shall be a condition of this approval.

***1319.N - The site plan required by Section 1104 may be drawn to scale less than 40 feet to the inch provided the scale used is adequate to illustrate the proposed activity and information required by Section 1104.***

The site plan included with the Application complies with this requirement.

**1319.O - In addition to any signage allowed by Article X, a sign may be attached to the security fencing at each access drive entrance identifying the name of the owner/operator, location, and emergency contact information.**

Signs will be attached to the Project's security fencing to warn of hazards and provide contact information to report incidents and concerns.

- 4. **Decision:** The Norway Township Planning Commission hereby approves the Conditional Use and Site Plan Application for the Groveland Mine Solar Facility. *Subj. to obtain Jewell Land sign order B*
- 5. **Vested Rights:** Section 1303.B. of the Zoning Ordinance provides that "if development is in accordance with a Conditional Use Permit is not commenced within one year from the date of issuance, the permit shall automatically expire. The Zoning Ordinance defines "development" to mean "the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; any use or extensions of the use of land."

*OB*  
*6/30*  
*2023*  
*M. Lynn*  
*M. Lynn*  
*and*  
*M. Lynn*  
*DNR*  
*OB*

Provided a fenced construction storage yard is constructed on property in Norway Township and a sign installed informing the public that the site is being developed as a transmission-connected solar energy generation facility, within 12 months of the date of this Resolution Granting Conditional Use and Site Plan Approval for Groveland Mine Solar, the Applicant's rights to construct and operate the proposed transmission-connected solar energy facility shall vest and run with the land.

Yeas: 4-0

Nays: 0

RESOLUTION DECLARED ADOPTED *4-0*

*Peter Kivisaari*  
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 Peter Kivisaari, Chairperson  
 Norway Township Planning Commission

*B. Pellin*  
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 Noting Secretary  
 Norway Township Planning Commission