

Conway Township Planning Commission Agenda

June 13, 2022

Conway Township Hall / 8015 N. Fowlerville Road, Fowlerville, Michigan 48836

1. AGENDA

- a. Call To Order / Pledge of Allegiance
- b. Roll Call / Sign In

2. APPROVAL OF LAST MEETING MINUTES

- a. Approve the June 13, 2022 Agenda

3. CALL TO THE PUBLIC

4. APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT

5. COMMUNICATIONS

- a. Zoning Administrator's Report
- b. Board Ex-Officio Report

6. OLD BUSINESS

- a. Rezoning of Parcel No. 4701-10-300-020
- b. Solar Ordinance Update
- c. Zoning Amendments / LCPC Update

7. NEW BUSINESS

- a. Planning Commission Officers / Appointment of New Secretary

8. PLANNING COMMISSION MEMBER DISCUSSION

9. LAST CALL TO THE PUBLIC

10. ADJOURNMENT

Next Meeting will be July 11, 2022

Conway Township Planning Commission Meeting Minutes

5/9/2022

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
	<p>Attendees: 14 members from the public</p> <ol style="list-style-type: none">1. Vice Chair Meghan Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm. <p>She led in the Pledge of Allegiance.</p> <ol style="list-style-type: none">2. She called Roll Call of: <p>Planning Commission Members present: Jeff Klein, Londa Horton, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio</p> <p>Zoning Administrator present: -0-</p> <p>Livingston County Planning Commissioner present: Dennis Bowdoin</p> <p>Township Attorney present: Abby Cooper</p> <p>Community Builders (CIP) Master Planners present: Justin Sprague,</p> <p>Those absent: Chuck Swirsk, Kelly Ralko, Hannah Smith, Todd Thomas</p>	
Approval of last meeting minutes	<ol style="list-style-type: none">3. PC meeting minutes revised for March 14, 2022. A motion was made by Dave Whitt to accept the revised meeting minutes for March 14, 2022. Second by Jeff Klein. All in favor. Opposed. Motion passed.4. Planning Meeting Minutes from last meeting 4/11/2022 . A motion was made by Dave Whitt to accept the minutes from the last meeting. Second by Jeff Klein . All in favor. Opposed. Motion passed.	
CALL TO PUBLIC	-0-	
APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT	Dave Whitt Made a motion to accept the meeting agenda for tonight. Second by Jeff Klein . All in favor. Opposed. Motion passed.	

Conway Township Planning Commission Meeting Minutes

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Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
COMMUNICATIONS	<p>5. Zoning Administrator Report submitted by Todd Thomas: the following permits were issued for the month of April 2022: one deck, one addition, two signs, and one pole barn. Luke Bryan farm tour dates are to be announced April 29, 2022 per Dennis Freeman of Freeman Enterprises. They will be reaching out regarding permits, security, traffic plans, etc. The tour is Sept. 17, 2022.</p> <p>6. Board Ex-Officio Report by George Pushies.</p>	
PUBLIC HEARING	<p>7. PUBLIC HEARING: opened for public comment, closed, PC vote to send to Board</p> <p>Meghan Swain-Kuch made a motion to open the public hearing for a rezoning. Second by George Pushies. All in favor. Opposed. Motion passed.</p> <p>1. Application for amendment to Official Zoning Map (Rezoning) relative to parcel no. 4701-10-300-020 commonly known as 5.01 acres vacant land Fowlerville Rd., Fowlerville, MI. Applicant is requesting to rezone the parcel from Agricultural Residential (AR) to Commercial (C).</p> <p>2. Opened for public comment</p> <p>a. Carol Miles - what will the commercial property be used for?</p> <p>b. Dave Crawford adjacent to Kreeger property – what is the intention for the property? It needs to be maintained and so far, they've done a great job. He spoke on their behalf and their character. I have no objection.</p> <p>3. Meghan Swain-Kuch made a motion to close the meeting for public comment. Second by Jeff Klein. All in favor. Opposed. Motion passed.</p> <p>4. Heard from the applicant. Asa Kreeger spoke about the Planner saying the application was incomplete. He was not aware of it. This is the Zoning Enabling Act. It's also in the ZO, per Abby Cooper. The use would have to be completed by rezoning by the township board 18 months to commence. He handed out a document describing the intended use: fuel, service station for agriculture, you could pull in a truck hauling feed, etc., with a small convenience store.</p> <p>5. <u>Analysis by Abby Cooper</u>. Conditional Rezoning requests are governed by Article 4 of the Zoning Ordinance generally, and by Section 4.09 of the Zoning Ordinance specifically. 1 Compliance with Section 4.09 shall require the following prior to approval by the Township Board.</p>	

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	<ol style="list-style-type: none">1. A statement by the applicant of the proposed use if the rezoning request is granted.2. A Statement of Conditions that complies with the following standards of Section 4.09(E):<ol style="list-style-type: none">a. Be in a form recordable with the Livingston County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and 1 Note, this applicant previously applied for and received approval for conditional rezoning for another parcel of land in 2017 (Application No. 2017-001 regarding 6995 N. Fowlerville Road). Since the time of that prior application, Conway Township has amended its Zoning Ordinance to include the procedures outlined in Section 4.09 and, therefore, these requirements may be new to the applicant.b. Contain a legal description of the land to which it pertains;c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land;d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions (if any such documents are incorporated by reference, the reference shall specify where the document may be examined);e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded with the Livingston County Register of Deeds; andf. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.	

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	<p>It is recommended that the above be submitted to the Planning Commission to be included in its review prior to a recommendation being made; however, it would also be an option for items 2(a)-(f) to be made conditions of a Planning Commission recommendation after further discussion with the applicant. – Abby</p> <hr/> <p><u>Analysis by Community Image Builders</u> – our township Planners also submitted a review of this rezoning request. It is their opinion that the request is to be tied to a specific use or development, rather than just the proposed district. Consistent with the standards in the state act, the Conway Township ZO details that an owner of land may voluntarily offer in writing conditions relating to the use and/or development of land as part of the rezoning request. In addition, Section 4.09.F details a timeframe for the approved development and/or use to commence as part of the conditional rezoning. If it does not occur within the timeframe specified, the land reverts to its former zoning classification per M.C.L. 125.3405 of the Michigan Zoning Enabling Act. Based upon this, we are of the opinion that a specific use and/or development shall be specified as part of the rezoning request.</p> <p>Justin - The application is incomplete. A complete request would be tied to a specific proposed use or development (i.e., a use listed under Commercial above.) More information is needed on the intended use of the property.</p> <p>You want to understand what you have currently and whether or not it aligns with your Master Plan and currently it does not. It is not consistent with Master Plan as we have already identified two places for this in this township. We need an updated application.</p> <p>Conditional rezoning so we would have a site plan, ZO 4.09E.</p> <p>Abby – It has to go to LCPC also. We need a statement of conditions as supplemental to the application before it goes to LCPC. The</p>	

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	<p>applicant must restate the conditions, we need clarity. Tell us what you will do. Will and will not do.</p> <p>A motion was made by George Pushies for approval to the Kreeger property rezoning from AR to Commercial pending approval tied to conditions with additional information to be provided. (Justin – consider amendment to the Master Plan after this.) Caution use of the word tentative – Abby. Second by Dave Whitt.</p> <p>Roll Call vote:</p> <p>Whitt – Yea Klein – Yea Pushies – Yea Kuch – Yea Horton – Yea</p> <p>All in favor. Opposed. Motion passed. Send to the Board.</p> <p>-----</p> <p>Planning Commission (PC) vote to send this application to the Township Board.</p>	<p>George Pushies to take to the Board</p>
OLD BUSINESS	<p>11. Mailing a solar survey logistics – Meghan</p> <p>\$2000 would be the cost for a survey. An option is to have an open meeting on solar. We would notify the public on solar with a public hearing. We will not conduct a solar survey.</p>	
NEW BUSINESS	<p>12. The Planners Solar draft outline – Hannah and Justin</p> <ul style="list-style-type: none"> • They need our feedback. Can send them an email. • George Pushies wants residential separated from commercial solar. • Screening – it says “nature” and it should be “mature” – George Pushies • Stagger rows of trees and make it all evergreen vs. deciduous – George Pushies • Decommissioning and bonding amount needs to be set- George Pushies • Annual reports – how do you get the reports? – George Pushies. Special Land Use – you can require that – Justin. • Kelly Ralko– fencing with woven screen. Comments that it breaks down in the weather. • Kelly Ralko – old clay tiles should be removed. Water must be maintained on that property, per Justin. Cannot change drainage of the land. 6.26 D 14. 	<p>PC members Send email with feedback on Solar draft outline</p>

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	<ul style="list-style-type: none"> Kelly Ralko – berms and trees done at beginning of construction. No, it's done at the end – Justin. Kelly Ralko – no use of term solar farms. Use the term Solar Energy Collector or SEC. (ZO 6.26.) <p>13. Status update on Proposed ZO amendments chart – Abby</p> <ul style="list-style-type: none"> Item 6 we are concentrating on <p>14. ADU (Accessory Dwelling Units) – Justin</p> <ul style="list-style-type: none"> Our language is fine. Survey of existing uses today should be done – Justin. Look for properties that look like they have a second person living on the property. If you pass the ordinance now, they are all grandfathered in. The language the county provided is fine (in red at back of the packet). It's come back from the county. We can have Justin incorporate those comments from LCPC to send up the Board – Abby. 	Justin to incorporate ADU language from LCPC
PLANNING COMMISSION MEMBER DISCUSSION		
LAST CALL TO PUBLIC	<p>Dennis Bowdoin – we verified special uses with drive-byes, but Board stopped that. Carol Miles – who makes decision on fencing, etc.? Arborvitaes are 20 feet apart. Type, caliper of tree, etc. should be defined. Multiple rows of trees will be planted as defined in our ordinance – George Pushies.</p> <p>Debbie Ott-Trailer Park, is that still on Robb Rd.? Did Bob Burk have a gas station area defined?</p>	
ADJOURMENT	<p>George Pushies made a motion to adjourn. Second by Dave Whitt. All in favor. Opposed. Motion passed. Adjourned at 8:25pm.</p>	

Definitions

Solar Energy Collector: A panel or panels, and ~~for~~ other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. **Building-Mounted Solar Energy Collector:** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
2. **Ground-Mounted Solar Energy Collector:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
3. **Commercial Solar Energy System:** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. ~~Commonly referred to as solar farms.~~
4. **Accessory Solar Energy System:** A small-scale solar energy system with the primary purpose of generating electricity for the principal use on the site.

Solar Array: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

Dual Use: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

1. **Pollinator Habitat:** A site designed to have vegetation that will enhance pollinator populations, including a diversity of flowering plants and a percentage of wildflowers.
2. **Conservation Cover:** A site designed with practices to restore native plants, grasses, and prairie with the aim of protection specific species or providing specific ecosystem services, such as carbon sequestration or soil health.
3. **Forage/Grazing:** Sites that incorporate rotational livestock grazing and forage production as part of a vegetative maintenance plan.
4. **Agrivoltaics:** Sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

Maximum Tilt: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.

Minimum Tilt: The minimal angle of a solar array (i.e. most horizontal position) for capturing solar radiation as compared to the horizon line.

Section 6.26 Solar Energy Collectors

A. Purpose and Intent.

Conway Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect

the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Accessory and commercial solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

Commented [AC1]: Are these the only 2 possibilities?

B. Criteria For the Use of All Solar Energy Equipment.

1. Solar energy equipment shall be located to minimize visual impacts from the public right-of-way.
2. Solar energy equipment shall be repaired, removed, or replaced within six (6) months of no longer being operational.
3. All solar energy equipment must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.

C. Accessory Solar Energy Systems. Accessory solar energy systems, as defined in Article 2 Definitions, include all building-mounted systems and those ground-mounted systems less than 1,000 square feet in area. Accessory solar energy systems are a permitted accessory use in all zoning districts, subject to administrative review and approval.

Commented [AC2]: Consider moving this to the definition? What do we do with systems that are building mounted, not commercial, and over 1,000 square feet?

Commented [HS3R2]: I would say that all building-mounted systems regardless of square footage are accessory

Commented [AC4]: Building-mounted solar energy collectors are listed as a permitted and ground-mounted solar energy collectors are allowed as special land use in the R, AR, C, and I districts. **WILL NEED TO BE UPDATED AFTER FINAL DRAFT

1. Application to Zoning Administrator. An applicant who seeks to install an accessory solar energy ~~collector~~ system shall submit an application to the Zoning Administrator upon forms furnished and approved by the Conway Township Board of Trustees.
2. **Application Criteria.** The application must be approved in writing by the Zoning Administrator. The application shall include the following:
 - a. Photographs of the property's existing conditions.
 - b. Renderings or catalogue cuts of the proposed solar energy equipment.
 - c. Certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 - d. Plot plan to indicate where the solar energy equipment is to be installed on the property.
 - e. Description of the screening to be provided for ground mounted solar energy equipment.
 - f. In addition to the criteria contained in this subsection, applicants seeking approval of a ground-mounted solar

energy collector system that is accessory to a residence and does not exceed 250 square feet, must also demonstrate that it meets all requirements of subsection (5).

3. **Exclusions from Administrative Review.**

- a. The installation of one (1) solar panel with a total area of less than eight (8) square feet.
- b. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

4. **Building-Mounted Solar Energy Collector Requirements.** A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

- a. Administrative review as set forth in subsection (1) above is required of all building-mounted solar energy collectors permitted as an accessory use, subject to the exclusions in subsection (3).
- b. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, and shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- c. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Zoning Administrator prior to installation; such certification shall be subject to the Zoning Administrator's approval.
- d. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Zoning Administrator prior to installation; such proof shall be subject to the Zoning Administrator's approval.
- e. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.

- f. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
- g. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
- h. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Zoning Administrator prior to installation. The Zoning Administrator may inspect the completed installation to verify compliance with the manufacturer's directions.
- i. Solar energy collectors, and the installation and use thereof, shall comply with the County construction code and the electrical code.
- j. A building-mounted solar energy collector installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity, but shall be required to meet all height and placement requirements.

5. **Ground-Mounted Accessory Solar Energy Collector Requirements.** Ground-mounted solar energy collector systems which are accessory to a principal use and do not exceed 1,000 square feet in total area shall be a permitted accessory use in all zoning districts, subject to the following requirements:

- a. Accessory ground-mounted solar energy collectors shall be located only as follows:
 - They shall be located in the rear yard or the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission.
 - Should extenuating circumstance exist that prevent locating in the rear or side yard, the Planning Commission may approve a front yard location, but, in no event, shall the energy system be located in the required front yard setback. The applicant shall demonstrate to the Commission that the rear or side yard location is not feasible.
- b. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the application and shall be subject to the Zoning

Commented [AC5]: What if the system is over 1,000 square feet and not commercial? Is it not accessory anymore? Does it have to go to the PC? We don't address these.

Commented [sc6R5]: We will discuss with the PC how they would like to consider this. At a minimum it should require Zoning Administrator review, but PC review may be best option

Administrator's approval.

- c. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The solar energy collector may be subject to the Zoning Administrator's inspection to determine compliance with the manufacturer's directions.

d. **Height.** Accessory ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment, when oriented at maximum tilt.

~~e. **Appearance.**~~ The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.

~~f. **Lot Coverage.**~~ The total area of accessory ground-mounted solar energy collectors shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land. For any parcel of land two (2) acres or less, an accessory ground-mounted solar energy collector shall not be deemed an accessory building or structure for purposes of Section 6.06(~~F-H~~).

~~g. **Fencing.**~~ Accessory ground-mounted solar energy collectors must be fenced in with at least a six (6) foot fence around the perimeter of the system.

~~h. **Nonconformities.**~~ An accessory ground-mounted solar energy collector installed on a nonconforming use or lot shall not be considered an expansion of the nonconformity, however, shall meet placement and height requirements

D. Commercial Solar Energy Systems. Commercial solar energy systems, as defined in Article 2 Definitions, are permitted by Special Land Use approval and are subject to site plan ~~and~~ special land use review requirements.

1. **Special Land Use Required.** Special land use approval is required for a commercial solar energy system. Commercial solar energy systems are permitted as a special land use in AR Agricultural Residential, C Commercial, and I Industrial districts only.
2. **Height.** Commercial solar energy systems shall not exceed sixteen (16) feet in height, measured from the ground at the base of

Commented [AC7]: We removed a section regarding neutral color. Do we not care about the color?

Commented [HS8R7]: My mistake - I believe this just got left out. I added it back in

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Commented [AC9]: New subsection based on April 2022 zoning ordinance amendments.

such equipment, when oriented at maximum tilt. The Planning Commission can permit up to twenty (20) feet in height for commercial systems as part of the special land use approval, to allow for grazing or other operations.

3. **Lot Coverage.** The total area of commercial solar energy systems shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land. ~~For any parcel of land two (2) acres or less, ground mounted solar energy systems shall not be deemed an accessory building or structure for purposes of Section 6.06(F).~~
4. **Installation and safety.** Commercial solar energy systems shall be properly installed to ensure safety, and meet the following requirements:
 - a. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special land use application and shall be subject to the Planning Commission's approval.
 - b. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The special land use, if granted, may be subject to the Zoning Administrator's inspection to determine compliance with the manufacturer's directions.
5. **Appearance.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
6. **Compliance with construction and electrical codes.** Commercial solar energy systems, and the installation and use thereof, shall comply with all applicable construction codes and electric codes, including state construction codes and the National Electric Safety Code.
7. **Fencing.** Commercial solar energy systems shall be fenced in with at least a seven (7) foot chain link fence or seven (7) foot woven wire fence with wooden or steel posts. Fencing must meet all applicable standards, including National Electrical Code requirements. Barbed wire is prohibited. Fencing is not subject to setback requirements.
8. **Transmission and communication lines.** All power transmission and communication lines between banks of solar panels and to nearby electric substations or interconnections with any buildings or other structures shall be located underground.

Commented [AC10]: This deleted section was already addressed in C(5)(e)

Exemptions may be granted in instances when soil conditions, shape, topography, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Planning Commission.

9. **Setbacks.** Minimum setbacks shall be two-hundred (200) feet from any property with a residence and one hundred twenty-five (125) feet from all other properties. This shall be measured from the property line of the adjacent property to the closest point of the solar array at minimum tilt or any solar energy system components.
10. **Setback from wetlands.** Commercial solar energy systems shall be at least two hundred (200) feet from the boundary of any lake, drain, wetland or other surface water body.
11. **Sound.** The sound pressure level of a commercial solar energy system and all ancillary solar equipment shall not exceed 45 dB(A) at the property line of adjacent properties or the exterior of any habitable structure, whichever is closer. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
12. **Lighting.** Commercial solar energy system lighting shall be limited to inverter and/or substation locations only. Any lighting shall be directed downward and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
13. **Groundcover.** A commercial solar energy system shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. A ground cover vegetation establishment and management plan shall be submitted as part of the site plan.
 - a. Properties bound by a Farmland Development Rights Act (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for ~~a~~Allowing ~~c~~Commercial ~~s~~Solar ~~p~~Panel ~~d~~Development on PA 116 ~~H~~ands.
 - b. Ground cover at properties not enrolled in PA 116 shall meet one or more of the following types of Dual Use, as defined in this Ordinance, to promote ecological benefits:
 - Pollinator Habitat
 - Conservation Cover
 - Forage/Grazing
 - Agrivoltaics

14. **Drainage.** Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices must be managed within the property and on-site, in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to drainage patterns prior to the installation of the solar energy system pre-existing conditions natural patterns following decommissioning. Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction.

Commented [AC11]: Consider changing to "drainage prior to installation of solar collector system" or "pre-existing drainage," which may be unnatural (ie. use of drains or other artificial means).

Commented [HS12R11]: Added some draft language - does it make it too confusing?

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15. **Wildlife Corridors.** Commercial solar energy system developments shall have access corridors for wildlife to navigate through the development. Corridors shall be provided with a break in the fencing every one-thousand (1,000) feet and shall be kept open to allow for movement of migratory animals and other wildlife. This may be modified by the Planning Commission as part of the special land use permit based on site-specific considerations.

16. **Landscaping/Screening.** Landscaping shall be provided in accordance with the standards required in Section 6.16 Required Landscaping and Screening, as well as the following additional screening requirements if determined appropriate by the Planning Commission:

Commented [AC13]: Consider requiring installation/inspection of all screening prior to energy generation like in paragraph 27.

Commented [HS14R13]: Added some draft language match par 27

- a. At least four (4) evergreen trees provided every one hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be in a staggered pattern and evenly distributed within each one hundred (100) linear feet section.
- b. At least two thirds (2/3), but no more than three quarters (3/4) of the total evergreen/ornamental trees shall be made up of evergreen trees.
- b. Each tree shall have a minimum mnature height of fifteen (15) height.
- c. Landscaping shall be installed and inspected following project completion and prior to energy generation within the project.

17. **Signage.** Signage shall be permitted in accordance with Article 17. Signage shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

Commented [AC15]: Do we want to require any signage like emergency contact information?

Commented [HS16R15]: See draft addition adapted from a solar ordinance guide/sample text - feel free to make edits

18. **Agricultural Protection.** Commercial solar energy systems shall be sited to minimize impacts to agricultural production, including the following:
- Systems shall be sited to minimize land disturbance or clearing except for minimally necessary. Topsoil shall be retained on-site.
 - Any access drives shall be designed to minimize extent of soil disturbance, water runoff, and soil compaction.
19. **PA 116 Farmland Development Rights Program.** Per the Michigan Department of Agriculture and Rural Development (MDARD), land enrolled in the PA 116 program may be permitted to participate in solar energy development subject to MDARD policy and requirements. Per MDARD standards, this land must be able to be returned to agricultural uses following the end of the solar development agreement or if/when the solar development is decommissioned for any reason.
20. **Decommissioning.** A decommissioning plan is required at the time of application to be reviewed and approved by the Planning Commission.
- The decommissioning plan shall include:
 - The anticipated manner in which the project will be decommissioned, including a description of the process for removal of all structures and foundations, restoration of soil to a depth of four (4) feet and vegetation, and how all above-grade and below-grade improvements will be removed, retained, or restored for viable reuse of the property consistent with the zoning district.
 - The projected decommissioning costs for removal of the system (net of salvage value in current dollars) and site restoration/soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels if installed on PA 116 land.
 - The method of ensuring that funds will be available for site decommissioning and stabilization. A financial security guarantee in an amount determined by the Township Board, based off of the decommissioning cost estimate provided, is required. This financial security guarantee must be posted at the time of receiving a construction permit for the system. The security shall be in the form of a cash bond, irrevocable bank letter of credit, or performance bond in a form approved by the Township. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
 - A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be reviewed every three (3) years, for the life of the project, and approved by the Conway Township Board. Updated

Commented [AC17]: Consider putting affirmative obligation on applicant to update this information/re-certify the adequacy of the cost estimate.

Commented [HS18R17]: See draft text added - please edit as necessary

costs estimates based on these conditions shall be provided by the applicant for review.

- c. A commercial solar energy system owner may at any time:
 - Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan;
 - Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

Commented [AC19]: Too broad. They have to have some basis for amending the approved plan.

21. **Abandonment.** In the event that a commercial solar energy system has been abandoned (meaning not having been in operation for a period of one year without a waiver from the Planning Commission), the system shall be removed by the applicant or the property owner and the site shall be stabilized and re-vegetated, in compliance with the approved decommissioning plan. If the abandoned system is not removed or repaired, amongst other available remedies, the Township may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure. The Township may utilize the benefit of any financial security being held under this Section to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the Township to enter the parcel of land for this purpose.

Commented [AC20]: Consider this provision v (B)(2) that indicates can't be inoperable for 6 months and make consistent.

Commented [HS21R20]: Should we change this to 6 months or above standard to 12? Or can have 6 months for an accessory system and 12 for commercial?

22. **Annual Reports.** For a commercial solar energy system, an annual report shall be submitted to the Planning Commission by a date determined at the time of special land use approval. The annual report shall document all complaints received regarding the commercial solar energy system along with the status of complaint resolutions and the actions taken to mitigate the complaints.

23. **Additional approvals and agency reviews.** The following approval and agency reviews shall be required, as applicable:

- a. Local Fire Chief;
- b. Department of Environment, Great Lakes, and Energy (EGLE);
- c. Livingston County Drain Commission;
- d. Federal Aviation Administration (FAA);
- e. Livingstone County Soil Erosion Permitting Agency;
- f. Local Airport Zoning (if applicable);
- g. Building Department;
- h. Tax Assessor.

24. **Operations Agreement.** The applicant shall provide the
- Conway Township Zoning Ordinance *Article 6 – Page 10*

Planning Commission with an operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation. It shall be a condition of approval that the Zoning Administrator shall be notified and provided copies of any changes. [The operations agreement shall be recorded with Livingston County.]

Commented [AC22]: Is this appropriate to record with ROD? Anything else we want recorded?

25. **Maintenance and Repair.** Repair, replacement, and maintenance of components is permitted without the need for a new special land use permit. Proposals to change the project footprint of an existing system shall be considered a new application.
26. **Site Plan Requirements.** Commercial solar energy systems are subject to submittal of a conceptual layout plan for Planning Commission approval, followed by a formal site plan submission meeting all requirements in Article 14 Site Plan Review.
 - a. **Conceptual Layout Plan.** For commercial solar energy systems, a conceptual layout plan shall be submitted and reviewed prior to submission of a formal site plan. The conceptual site plan shall be reviewed by the Planning Commission to allow for discussion and feedback. The conceptual plan must be approved by the Planning Commission before a formal site plan submission is made. The following information is required to be shown on a conceptual layout plan:
 - General parcel information, as required by Section 14.03(A) General Information, as applicable
 - Existing topography of the site shown at two (2) foot contour intervals with existing surface drainage patterns indicated
 - Proposed plans for site grading and drainage management
 - General landscaping plan, including proposed details for screening
 - The proposed location and layout of all solar arrays in the commercial solar energy system
 - The proposed location and layout of any ancillary equipment (such as inverters), buildings, access drives, and security fencing
 - Location of existing wetlands
 - b. **Site Plan.** Formal site plan submission for a commercial solar energy system must include a detailed site plan including all applicable requirements found in Section 14.03 ~~Information~~ ~~Required~~ of this Ordinance, except that commercial solar energy systems shall be submitted at a scale of 1" = 200 feet, plus the following site plan requirements:

- Location of all arrays, including dimensions and layout of arrays, ancillary structures and equipment, utility connections, dwellings on the property and within one-hundred (150) feet of the property lines, any existing and proposed structures, wiring locations, temporary and permanent access drives, fencing details, wildlife corridors, screening and landscaping detail, and any signage
- Information on where and how the ~~solar farm~~commercial solar energy system will connect to the power grid. No commercial solar energy system shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the applicant to install an interconnected customer-owned generator to the grid or the applicant otherwise has a means for the wholesale or retail sales of generated electricity.
- Plan for land clearing and/or grading required for the installation and operation of the system
- Plan for ground cover establishment and management
- Sound modeling study including sound isolines extending from the sound source(s) to the property lines
- A decommissioning plan in accordance with 6.26.D(18)
- The location of prime farmland, as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service – Web Soil Survey
- Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application, including but not limited to:
 - Visual Impact Assessment: A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - Environmental Analysis: An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - Stormwater Study: An analysis by a third-party

qualified professional that takes into account the proposed layout of the commercial solar energy system and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

- Glare Study: An analysis by a third-party qualified professional to determine if glare from the commercial solar energy system will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influences on the commercial solar energy system.
- c. Final site plan approval shall only be granted once all necessary governmental approvals have been obtained. Planning Commission approval is conditioned upon approval from all other agencies.
- d. **Modifications of approved site plan.** Any modifications, revisions, or changes to ~~the~~an approved site plan shall be considered either a minor or major site plan amendment and must follow the standards of Section 14.08 Amendment of an Approved Site Plan.
 - **Major Changes.** Major site plan changes considered major include those listed in Section 14.08~~(C)~~(C), or the following:
 - Changes of location of arrays, fencing, buildings, or ancillary equipment by more than 10 feet.
 - An increase in height of solar panels.
 - **Minor Changes.** Minor site plan changes considered minor include those listed in Section 14.08~~(D)~~(D), or the following:
 - Changes of location of arrays, fencing, buildings, or ancillary equipment by less than 10 feet.
- e. **Application Fee & Escrow Required.** An applicant for a commercial solar energy system must pay applicable application fees according to the Conway Township fee schedule. An escrow account shall be set up when Special Land Use application is filed to cover costs and expenses associated with the review and approval process.

e-27. **As-Built Drawings.** A set of as-built drawings shall be submitted to the Township following project completion and prior to energy generation within the project.

- E. **Solar Access Requirements.** When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which is located so as not to be shaded between the hours of 10:00am and

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3:00pm by a hypothetical twelve (12) foot obstruction located on the lot line.

- F. Solar Access Exemptions.** Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this ordinance, whichever is later is exempt from subsection ~~(EG)~~. above. Said subsection described in subsection ~~(EG)~~ above controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

PROPOSED ZONING ORDINANCE AMENDMENTS
PENDING BEFORE CONWAY TOWNSHIP PLANNING COMMISSION
June 13, 2022

	SUBJECT	ZO SECTION	PUBLIC HEARING/ LCPC REVIEW	STATUS	COMMENTS
1.	Event Barns-Special Land Use Regulations	New Section 13.10(W)	Public Hearing on 12/13/21; LCPC # Z-08-22		PC kept amendments for further consideration after Jan 2022 LCPC recommendations
2.	Event Barns-Special Land Use by Districts	Spec Use 7.07 (A)(22), 8.03(A)(13), 10.03(A)(11), and 11.03(A)(10)	Public Hearing on 12/13/21; LCPC # Z-07-22		PC kept amendments for further consideration after Jan 2022 LCPC recommendations
3.	Event Barns-Parking Space Requirements	Amend Section 15.04	Public Hearing on 12/13/21; LCPC # Z-10-22		PC kept amendments for further consideration after Jan 2022 LCPC recommendations
4.	Accessory Dwelling Units	New Section 6.27	Public Hearing on 2/14/22; LCPC # Z-18-22	Planner to update w County comments-draft at June meeting to recommend approval to board	PC kept amendments for further consideration after LCPC March 2022
5.	Large/Small Venue Events				Considering regulations with Planner
6.	Solar Energy Collection Systems			Ongoing review; discuss latest draft at June meeting	Moratorium in effect until 9/17/22