



Conway Township Planning Commission

Monday, March 13, 2023 | 7:00pm

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

1. **CALL TO ORDER / PLEDGE**
2. **ROLL CALL**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF PLANNING COMMISSION MEETING March 13, 2023 AGENDA**
5. **APPROVAL OF THE February 13, 2023 MEETING MINUTES**
6. **COMMUNICATIONS**
 - a. Zoning Administrator's Report
 - b. Livingston County Planning Commission Update/Report
 - i. Article 6: General and Supplemental Regulations | Section 6.07: Supplemental Regulations Pertaining to Yards – Update
7. **NEW BUSINESS**
 - a. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District and replacement of existing Section 6.26 regarding Solar Energy Systems.
 - b. Containers (shipping)
8. **PLANNING COMMISSION MEMBER DISCUSSION**
9. **ADJOURNMENT**

Any person may speak for up to 3 minutes during the public comment period.

Next Meeting will be Monday, April 10, 2023



Conway Township Planning Commission Meeting Minutes

Monday, February 13th, 2023 | 7:00pm EST

Fowlerville Jr. High Auditorium | 7677 Sharpe Rd, Fowlerville, MI 48836

| Agenda | Items Discussed | Actions to be Taken |
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| Attendees | <p>PC Members Present: Jeff Klein, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio, Shawn Morrison, Lucas Curd, and Kayla Poissant</p> <p>Zoning Administrator – Gary Klein</p> <p>Livingston County Planning Commissioner: Dennis Bowdoin</p> <p>Township Attorney: Michael D. Homier</p> <p>Absent: Abby Cooper, JD</p> | None |
| Call to Order/Pledge | Chair, M. Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm and led the Pledge of Allegiance. | None |
| Approval of Agenda | Motion to accept the meeting agenda as amended for February 13 th , 2023. Motion by D. Whitt. Support S. Morrison. Motion Approved. | Motion Approved. |
| Approval of January 9th, 2023 Minutes | Motion to accept the meeting minutes from January 9 th , 2023. Motion by J. Klein. Support by L. Curd. Motion Approved. | Motion Approved |
| Approval of January 9th, 2023 Closed Session Minutes | Motion to accept the closed meeting minutes from January 9 th , 2023. Motion by D. Whitt. Support by J. Klein. Motion Approved. | Motion Approved |
| Call to the Public | No speakers at this time. | None |
| Communications | <p>a. Zoning Administrator Report: Two land-use permits issued last month; one driveway and one accessory building.</p> <p>b. Board Ex-Officio Report: None.</p> <p>c. Livingston County Planning Commission Report: M. Swain-Kuch stated the Livingston County Planning Commission (LCPC) Minutes were included in the Conway PC packet, and that the</p> | <p>None</p> <p>None</p> <p>None</p> |

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| | <p>county PC did take up a vote on the proposal for the moratorium ordinance in Cohoctah. The county did not take a vote on it due to a few concerns.</p> | |
| <p>Public Hearing on Proposed Zoning Amendment to Impose a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Commercial Wind and Solar Energy Projects and to Repeal Sections of the Township Zoning Ordinance Pertaining to “Wind Energy” and “Solar Energy Collectors”</p> | <p>Public Hearing opened at 7:05pm.</p> <p>Michael D. Homier stated that this is the time for the public to comment on the proposed resolution, and that the two documents regarding this were included in the packet.</p> <p>Sarah Porter- 9402 Sober Rd- She stated that the proposed ordinance and resolution are in the best interest of the public’s safety, health, and welfare. She stated that developers have used intimidating tactics on the residents as well as the Township’s Boards, including paid actors at meetings, and calling a resident’s employer. She stated that she is in favor of the moratorium, and asked the PC to follow the advice given from Mr. Homier.</p> <p>Steve Smith- 8763 Robb Rd- He stated that the committee reviewed the Sand Creek vs. Benton Township court case, and submitted a one-page review for the Board to read. The Judge in the case found that their moratorium was not exclusionary because there was no demonstrated need, and that the process was new for the Township it was reasonable to invoke a moratorium. He stated that the committee also reviewed Judge Kalinda’s presentation to Pine Township, and said that based on the four-part test for exclusionary, the legislatures got it right. He stated that Judge Kalinda gave the example of Livonia banning billboards, and that it wasn’t exclusionary because billboards are allowed down the road in a neighboring are. He stated that the Township needed time for more input and more time for Mr. Homier to help. He stated a quote from Supervisor Bill Grubb stating that industry is always ahead of the local government. He urged to pass the proposal.</p> <p>Kennedy Parker- 7000 Hayner Rd- She stated that this proposal is an extremely important decision for the PC. She stated that the decision should be made on what the residents of the Township want, and it should be clear at this point. She stated that more time is needed for Mr. Homier, and that in Cohoctah the attorney’s from the</p> | |

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| | <p>developers were threatening the Township to do what they wanted them to do. She stated that those attorney's have no legal standing or investment in the Township.</p> <p>Clint Beach- 11388 Owosso Rd- He stated that Cohoctah and the LCPC agreed to repeal the current ordinances regarding wind and solar, and extend a moratorium for 12 months. He said that it was extended so that the Township would be able to address the concerns of their residents. He stated that this is about civics, and with civics there is always ethics, but that in business there is no room for ethics. He stated that a 12-month moratorium is a small price to pay to make sure the Township gets ordinances right.</p> <p>Megan Beach- 9020 Eva Ln- She stated that she wanted the PC to approve the moratorium, and that based on the lack of information on solar, there is a lot that can happen. She said there is a lack of data on toxins, and property values. She said that the info out there has evidence against it. She stated we needed more time to get it right.</p> <p>Randy DeFaut- 8708 Fowlerville Rd- He asked about the test panels on Killenger Rd, and if there were land-use permits for it as well as info on the soil samples. G. Klein replied that there were no land-use permits pulled for the panels, and that he sent a letter of violation to the homeowners last Wednesday to have them removed within two weeks. G. Klein was unaware of the soil samples being taken.</p> <p>Mike Brown- 9256 Sober Rd- He stated that he wanted to extend the moratorium to figure the numbers out. He stated that the newspaper said the solar farms would bring in \$18 million in revenue. He quoted a study by Mary McFae stated a -6% to -30% in housing in areas of solar with a three-mile radius. He states that with a 10% loss, Conway Township would lose \$436, 080 a year or for 35 years \$15,262,000 loss revenue. This would only profit a couple million dollars in profit. He stated he would like to see all of this written down by the developers. He stated he would like us to read a few reports that he submitted.</p> <p>Mary Retelle- 2345 Gannon Rd- She stated that it is worth it to take the time to do this right because for a lot</p> | |
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| | <p>of people like her, their retirement in in their homes. She stated her life in on hold because of this situation, and she is concerned about a lot of things including drainage.</p> <p>Motion to close the Public Hearing on the ordinance on the moratorium at 7:30pm. Motion by J. Klein. Support by D. Whitt. Motion Approved.</p> | Motion Approved |
| New Business | <p>Consideration of Proposed Zoning Amendment To Impose A Moratorium On The Issuance Of Permits, Licenses, Or Approvals For, Or For Any Construction Of, Commercial Wind And Solar Energy Projects And To Repeal Sections Of The Township Zoning Ordinance Pertaining To “Wind Energy” And “Solar Energy Collectors”</p> <p>Motion to recommend approval of Proposed Zoning Amendment To Impose A Moratorium On The Issuance Of Permits, Licenses, Or Approvals For, Or For Any Construction Of, Commercial Wind And Solar Energy Projects And To Repeal Sections Of The Township Zoning Ordinance Pertaining To “Wind Energy” And “Solar Energy Collectors”. Motion by G. Pushies. Support by S. Morrison.</p> <p>Discussion- D. Whitt asked about a timeline on the ordinance. Mr. Homier replied that the draft ordinance states 12 months upon approval of the ordinance. He stated that the county has 30 days to review the ordinance and submit vote, and then the Township Board would have to vote to approve it. It would be 12 months from if and when the Township Board approves the ordinance.</p> <p>Vote- Motion Approved</p> | Motion Approved |
| Commission Discussion | None at this time. | None |
| Adjournment | Motion to adjourn at 7:37pm. Motion by G. Pushies. Support by J. Klein. Motion Approved. | Motion Approved |

Respectfully Submitted:

Approved:

Kayla Poissant,
PC Secretary

Meghan Swain-Kuch,
PC Chair

DRAFT



Livingston County Department of Planning

February 16, 2023

Conway Township Board of Trustees
c/o Elizabeth Whitt, Clerk
8015 N. Fowlerville Road
P.O. Box 1157
Fowlerville Michigan 48836

Re: Livingston County Planning Commission Review of Zoning Ordinance Amendments:

Z-07-23: Text Amendment, Section 6.07: Supplemental Regulations Pertaining to Yards

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, February 15, 2023, and reviewed the proposed Zoning Ordinance amendment referenced above. The Livingston County Planning Commissioners made the following recommendations:

Z-07-23 Approval.

The proposed amendments appear to be reasonable and appropriate. This added provision makes logical sense given the level of intensity of the described land use activity.

Copies of the staff review and draft Livingston County Planning Commission meeting minutes are enclosed. Do not hesitate to contact our office should you have any questions regarding this county action.

Sincerely

Robert Stanford

Robert Stanford
Principal Planner

Enclosures

c: Meghan Swain-Kuch: Chair, Conway Township Planning Commission
Gary Klein, Zoning Administrator

Meeting minutes and agendas are available:
<https://www.livgov.com/plan/econdev/Pages/meetings.aspx>

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

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(517) 546-7555
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Web Site
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Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commissioners and the
Conway Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: February 15, 2023

SUBJECT: Z-07-23 Amendments to Zoning Ordinance Article -
Article 6: *General and Supplemental Regulations*
Section 6.07: *Supplemental Regulations Pertaining to Yards*

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

The Conway Township Planning Commission proposes a minor amendment to the Township Zoning Ordinance, in Section 6.07, regarding swimming pools.

Proposed additions to existing text are noted in red underline, deletions in ~~strikethrough~~.

The Conway Township Planning Commission proposes the following minor amendment to the Township Zoning Ordinance, in Section 6.07, regarding swimming pools, to read in its entirety as follows:

Section 6.07 Supplemental Regulations Pertaining to Yards

A. Permitted Yard Encroachments.

6. Swimming pools shall not be subject to yard requirements, provided the following minimum conditions are met:
 - a. Yard areas with a swimming pool, spa, hot tub or similar device (below ground or above ground) shall erect and maintain a fence or enclosure approved by the Zoning Administrator.
 - b. Fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of three (3) feet above the ground. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured. Above ground swimming

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pools with sides of four (4) feet or more above grade, do not require fencing but do require a removable access ladder that lifts for safety. A spa or hot tub with a locking cover shall not require a fence.

- c. Swimming pools, spas, hot tubs, similar facilities and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be at least ten (10) feet from any lot line. Where the elevation is greater than two (2) feet above grade at any point, the setback shall be at least fifteen (15) feet from any public street right-of-way or lot line.
- d. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard or in any easement.
- e. No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
- f. No overhead wiring shall be above a swimming pool.
- g. Seasonal swimming pools, spas, hot tubs and similar structures that are intended to be temporary in nature such as inflatable pools or of similar materials which do not require a permanent location, foundation or other fixed position on the property as defined in Article 2 (Structures) shall not be required to obtain a Land Use Permit as required in Article 3, Section 3.03 if the height of the temporary structure does not exceed twenty-four (24") inches from the grade level.

Township Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 12, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. This added provision makes logical sense given the level of intensity of the described land use activity.



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, February 15, 2023 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers
304 East Grand River, Howell, MI 48843

Please note that this is a hybrid meeting with County Planning Commissioners and staff meeting in-person. Audience participants are welcome to attend in-person or via Zoom by using the meeting link at the bottom of the agenda

Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – February 15, 2023
5. Approval of Meeting Minutes – January 18, 2023
6. Call to the Public
7. Zoning Reviews
 - A. Z-07-23 Conway Township, Text Amendment, Section 6.07: Supplemental Regulations Pertaining to Yards
 - B. Z-08-23 Genoa Charter Township, Rezoning, OS Office Service District to MDR Medium Density Residential District in Section 11
 - C. Z-09-23 Genoa Charter Township, Rezoning, Proposed Township Initiated Rezoning Amendment Removal of Town Center Overlay Center District (TCOD) Underlying Base Zoning Remains Unchanged, Sections 10, 11, 14 and 15
 - D. Z-10-23 Handy Township, Text Amendment, Chapter 1 Definitions; Chapter 16 Special Uses; Chapter 20 RD Research and Development.
 - E. Z-11-23 Oceola Township, Text Amendment, Article 4, Article 5, and Article 19 Uses and Dimensions Tables; Standards for Use; Definitions, Schedule of Regulations
8. Old Business
9. New Business
 - A. Capital Improvement Plan Review Committee - PC Member Volunteer
10. Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

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Via Zoom (on-line

meetings): <https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

Via the Zoom app

Join a meeting, with meeting number: **399 700 0062**

Enter the password: **LCBOC** (ensure there are no spaces before or after the password)

Meeting ID: **399 700 0062**

Password: **886752**

Meeting recordings may be made using a personal computer or laptop, after requesting

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

February 15, 2023

6:30 p.m.

Hybrid In-Person and Virtual Zoom Meeting

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| Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC <u>https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09</u> |
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| PLANNING COMMISSION | |
|---------------------------|---|
| COMMISSIONERS PRESENT: | BILL ANDERSON MATT IKLE DENNIS BOWDOIN BILL CALL BRIAN PROKUDA PAUL FUNK JASON SCHROCK |
| COMMISSIONERS ABSENT: | |
| STAFF PRESENT: | ROB STANFORD SCOTT BARB |
| OTHERS PRESENT: | BRUCE POWELLSON – MARION TWP, JENNIFER AUSTIN – BOSS ENGINEERING, STEVE SMITH – CONWAY TWP, SHAWN MORRISON – CONWAY TWP, ROY AND ELI STEYSKAL – CONWAY TWP, DEBBIE EARLY – IOSCO TWP, ROBERT AND SARA PORTER- CONWAY TWP, KELLY RALKO – CONWAY TWP, SOFIA FRENI (ONLINE), CATHY AND STEVE (ONLINE), TIM BOAL (ONLINE) |

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Anderson at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** None.
4. **APPROVAL OF AGENDA**

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| Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AGENDA, DATED February 15, 2023, SECONDED BY COMMISSIONER PROKUDA. |
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All in favor, motion passed.

5. **APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

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| Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO APPROVE THE MINUTES, AS AMENDED, DATED JANUARY 18, 2023, SECONDED BY COMMISSIONER IKLE. |
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6. **CALL TO THE PUBLIC:** None.

7. ZONING REVIEWS:

A. Z-07-23 CONWAY TOWNSHIP. AMENDMENTS TO THE ZONING ORDINANCE: SECTION 6.07: SUPPLEMENTAL REGULATIONS PERTAINING TO YARDS.

The Conway Township Planning Commission proposes a minor amendment to the Township Zoning Ordinance, in Section 6.07, regarding swimming pools.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 12, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. This added provision makes logical sense given the level of intensity of the described land use activity.

Commission Discussion: Commissioner Funk inquired about grandfathering of pools in current existence. Commissioner Prokuda asked about the grade of the pools and how grade is referenced and defined in the ordinance. Commissioner Ikle asked if fences are really needed around hot tubs on patios and decks.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CALL.

Motion passed: 7-0

B. Z-08-23 GENOA CHARTER TOWNSHIP, REZONING, OS OFFICE SERVICE DISTRICT TO MDR MEDIUM DENSITY RESIDENTIAL DISTRICT IN SECTION 11.

Current Zoning: OS Office Service

Proposed Zoning: MDR Medium Density Residential
Section 11

Township Master Plan:

The Future Land Use Plan of the Genoa Township Master Plan (2015) designates the site as Office:

- The office use includes various forms of office development including professional offices, medical offices, and banks.
- The Medium Density Residential designation refers to medium density duplexes, attached condominiums, and other multiple family units. This area may also be developed with single family homes on ¼ acre lots. Developments in these areas should be served by public water and sewer and not exceed a density of 5 units per acre.

While the proposed designation to Medium Density Residential is not in keeping with the future land use map for the township, conditions have changed at this location, and we believe the request is complimentary to the current development trends in and around this area. Development of the site as an office use is unlikely due to site constraints that include access, parking, and parcel size.

County Comprehensive Plan:

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

Township Planning Commission Recommendation: Approval. Public comments at the January 9, 2023, public hearing is noted in the draft minutes and include comments on driveway length, access, and engineering items.

Staff Recommendation: Approval. We believe the proposed rezoning from OS to MDR is appropriate at the given location.

Commission Discussion: None.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER SCHROCK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER PROKUDA.

Motion passed: 7-0

C. Z-09-23 GENOA CHARTER TOWNSHIP, REZONING, PROPOSED TOWNSHIP INITIATED REZONING AMENDMENT REMOVAL OF TOWN CENTER OVERLAY CENTER DISTRICT (TCOD) UNDERLYING BASE ZONING REMAINS UNCHANGED, SECTIONS 10, 11, 14 AND 15.

Current Zoning: Town Center Overlay District

Proposed Zoning: Underlying zoning districts to remain
Sections 10, 11, 14, and 15

The Genoa Charter Township Planning Commission proposes to remove the current Town Center Overlay District (TCOD) with the resulting underlying base zoning for all affected parcels to remain unchanged.

The request encompasses approximately 101.61 acres surrounding the intersection of Grand River Avenue and Dorr Road. The request is petitioned by Genoa Charter Township.

The township states in the application that there have been numerous properties that are within the current Town Center Overlay District that have requested, and been approved, to have the designation removed from their property. The township's revised draft Master Plan calls for the elimination of the district. All the affected property owners received a letter from the Township advising them of the proposed change. The proposed rezoning impacts forty-two (42) parcels, which are located generally along Grand River Avenue, between Gray Road and extending east, just past South Hughes Road, with the district boundary terminating just west of Dorr Road.

The request is only to remove the overlay district; underlying zoning will remain the same. The nature of the request will not impact any existing environmental features, as the TCOD generally allows a greater density/intensity of use than underlying zones. Future development will remain subject to environmental protection provisions of the Ordinance.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended Approval of this proposed rezoning at its January 9, 2023, public hearing. There was one public comment related to the proposal noted in the minutes.

Staff Recommendation: Approval. The proposed township initiated rezoning amendment to remove the Town Center Overlay District (TCOD) appears to be reasonable and appropriate. Given that the lack of interest from the development community to propose any development plans since the district was originally created in 2006, this proposal makes logical sense. Because the allowable uses in the TCOD are generally similar to those of the remaining underlying zoning districts, the availability of public water and sewer systems in the area, and the probability of reduced traffic volumes, there should be little to no ill-effects realized by the township and its residents as a result of this proposal.

Commission Discussion: Commissioner Prokuda asked if the property at corner of Dorr and Grand River is still part of the Town Center Overlay. Principal Planner Stanford stated that the Town Center Overlay is the only district being removed, all underlying zoning remains in place. Commissioner Funk was concerned that the Township did not submit enough information for review and stated that there is no map of the complete Town Center Overlay District. Principal Planner Stanford stated that the map(s) and information submitted by the Township for this case are assumed to indicate the entire TCO district boundaries correctly, all information and intent of the township in this case appears to be clear, and that nothing seems to be amiss.

Public Comment: None

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW, SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 5-2 (CALL, PROKUDA – NAY)

D. Z-10-23. AMENDMENTS TO THE ZONING ORDINANCE: CHAPTER 1 DEFINITIONS; CHAPTER 16 SPECIAL USES; CHAPTER 20 RD RESEARCH AND DEVELOPMENT.

The Handy Township Planning Commission is proposing to amend several sections of the Township Ordinance that will add new definitions and modify standards for both private and industrial scale solar facilities.

Township Planning Commission Recommendation: Approval. The Handy Township Planning Commission recommended approval of the proposed amendments at their January 26, 2023, public hearing. Comments in support of and against the solar amendments were documented in the Township meeting minutes.

Staff Recommendation: Approval. The solar amendments to the Handy Township Ordinance are well written and serve to strengthen the ordinance standards for private and commercial solar energy systems.

Commission Discussion: Commissioner Ikle stated the importance of the surety bond for the Township on solar projects and discussed further the differences between a financial instrument and a surety bond. Commissioner Ikle provided a definition of a surety bond. In his experience, surety bonds have been a more successful means as opposed to using a financial instrument. Commissioner Bowdoin asked if there should be 2 bonds on a Township project, one for construction and one for decommissioning. Commissioner Ikle stated, no, one surety bond for the entire project is usually only necessary. Commissioner Call informed the public on the RD District within the Township and the history behind the creation of the district. Commissioner Bowdoin is concerned about the fire issue and didn't see anything in the text about the applicants providing such training, at their expense, both as soon as the development goes in and throughout its existence. Commissioner Bowdoin had questions regarding item #11, in that, the township needs to be also named as insured. He also had concerns about item #17, with regards to transferability, in that, the carrier will inform the township immediately if the applicant cancels. Commissioner Prokuda had concerns about item #14, with regards to what defines a "failure". Too broad and open to interpretation. Principal Planner Barb stated it seems like it is covered adequately. Commissioner Prokuda stated that he liked the provisions listed in item #9, and that compliance with the Electric Code is very important. Commissioner Prokuda stated he is in full support of the amendments and that this is a very well thought out and one of the better sets of amendments regarding solar that the commission has seen so far.

Public Comment: Steve Smith, member of solar advisory committee in Conway Township, spoke against the Handy solar ordinance and are a poorly thought-out decision for productive farmland in Michigan. Sarah Porter, Conway Township, spoke about how bonds are hard to collect on. Shawn Morrison, Conway Township, spoke about environmental issues regarding the commercial solar farms

and not having adequate detention on-site. Eli Steyskal, Conway Township, asked if the solar amendments have been approved by the Township Board. Debbie Early, Iosco Township, had concerns about the RD District and if solar is allowed in this area and how this issue will affect property owners. Kelly Ralko, Conway Township, spoke against the spread of solar throughout the county. Sarah Porter spoke about the communication process involved in the solar issues and how it is not consistent.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND APPROVAL WITH CONDITIONS. SECONDED BY COMMISSIONER PROKUDA.

Motion passed: 7-0

E. Z-11-23. OCEOLA TOWNSHIP, TEXT AMENDMENT, ARTICLE 4, ARTICLE 5, AND ARTICLE 19 USES AND DIMENSIONS TABLES; STANDARDS FOR USE; DEFINITIONS, SCHEDULE OF REGULATIONS

The Oceola Township Planning Commission proposes to revise current provisions related to the Schedule of Regulations (footnotes), accessory uses and buildings, outdoor storage standards and the definition for building height to better clarify the process for measuring the height of a building with a cupola.

Township Recommendation: Approval. The Oceola Township Planning Commission recommended Approval of this zoning amendment at its January 10, 2023 public hearing. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. They appear to pose no undue hardship as proposed. The amendments eliminate the current inconsistencies found in the township zoning ordinance as well as better clarify and illustrate the desired intent of regulatory standards for items such as setbacks for accessory structures and building heights for structures with unique roof elements such as cupolas.

Commission Discussion: Commissioner Funk asked why this issue is a priority. Commissioner Prokuda asked about the footnotes and why they are so specific to certain subdivisions. Principal Planner Stanford provided examples of similar language and provisions found in other municipalities and reiterated that this is standard practice in many communities.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER IKLE.

Motion passed: 7-0

8. OLD BUSINESS:

9. NEW BUSINESS:

- A. Capital Improvement Plan Review Committee – PC Member Volunteer:** Commissioner Funk, Commissioner Call, and Commissioner Ikle are interested in volunteering on the committee.

10. REPORTS: None.

- 11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Steve Smith, Conway Township, again spoke on the PA 116 and how they are affected by solar issues. Rob Porter, Conway Township, spoke on training aspects of dealing with solar from a firefighting perspective, the lack of training even though funds are provided (Shiawassee Township example). No follow up seems to be done in this regard. Bruce Powellson, Marion Township commended the commissioners on running a good public meeting.

Commissioner Prokuda stated that he will not attend the April meeting and anticipates that his replacement will be in board before that meeting takes place.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO ADJOURN THE MEETING AT 8:18 P.M., SECONDED BY COMMISSIONER PROKUDA.

Motion passed: 7-0

CONWAY TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO REGULATE SOLAR ENERGY SYSTEMS**

The Township of Conway ordains:

Section 1. Adoption of New Article 19, Solar Energy System Overlay District

New Article 19, entitled “Solar Energy System Overlay District,” is added to the Zoning Ordinance and reads as follows:

Section 19.01 Purpose and Findings

- A. Purpose. The Solar Energy System Overlay District (the “District”) is intended to provide suitable locations for utility-scale solar energy systems that are authorized under the Township’s Code of Ordinances and Zoning Ordinance to meet a reasonable demonstrated need for this land use in the Township. It is the intent of the Township to permit these utility-scale solar energy systems to the extent a demonstrated need exists for the land use by regulating the siting, design, construction, operation, monitoring, modification, and removal of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of any utility-scale solar energy systems. By creating the District, the Township seeks to and intends to preserve its rural character and agricultural heritage. To these ends, the lands included in this District are within reasonable proximity to existing electric power transmission infrastructure.
- B. Findings. In establishing this overlay district, the Township of Conway finds as follows:
1. It is necessary and reasonable to permit utility-scale solar energy systems in the Township to the extent that there is a demonstrated need for that land use.
 2. Land use for utility-scale solar energy systems beyond a reasonable and legitimate demonstrated need to provide for the Township’s energy needs would have needless adverse effects on surrounding businesses and residences, and be detrimental to the health, safety, welfare, and prosperity of the Township and its residents.
 3. The Township wishes to preserve its existing rural character, maintain property values, and protect and preserve the quality and pace of rural life of its residents.
 4. Utility-scale solar energy systems can adversely impact the health, safety, welfare, and prosperity of that community, including existing property values, especially when in proximity to farms and forests.

5. Utility-scale solar energy systems should be carefully managed to reduce the adverse long-term effects the land use can have on the productivity of farmland. *See* University of Michigan Graham Sustainability Institute & Michigan State University Extension, “Planning & Zoning for Solar Energy Systems.”
6. Several Michigan communities have suffered, or are suffering, from fiscal uncertainty due to litigation and rule changes concerning taxation arising from rural renewable energy production.
7. The Township adopts these land use regulations to balance any demonstrated need for utility-scale solar energy systems in the Township and the public health, safety, and welfare impacts identified above.

Section 19.02 Delineation of the Solar Energy System Overlay District

- A. The Solar Energy System Overlay District overlays existing zoning districts delineated on the official Conway Township Zoning Map. The boundaries of the Solar Energy System Overlay District are depicted on **Map A**, incorporated herein by reference, and are generally described as follows:

[Insert narrative description]

Section 19.03. Permitted Uses.

There are no uses permitted by right in the Solar Energy System Overlay District, other than uses permitted by right in the underlying zoning districts.

Section 19.04. Special Land Uses.

The following uses are permitted following approval by the Planning Commission as a Special Land Use in the Solar Energy System Overlay District as regulated by Article 13 (special land uses) and Article 14 (site plan review).

Utility-Scale Solar Energy Systems

Section 2. Amendment of Section 6.01 of the Zoning Ordinance

Section 6.01 of the Zoning Ordinance, entitled “Establishment of Districts,” is amended to read as follows:

For purposes of innovative and flexible development, Conway Township has established the following overlay districts:

| <u>Overlay District</u> | <u>Article</u> |
|----------------------------|----------------|
| OS Open Space Community | 12 |
| SE Solar Energy System | 19 |

Section 3. Addition of Definitions to Article 2 of the Township Zoning Ordinance

The following definitions are added to Article 2 of the Township Zoning Ordinance, consistent with the existing ordering of definitions in that section:

- A. Building Integrated Photovoltaics (BIVPs): A small, private Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
- B. Ground Mounted Solar Energy System: A Private or Utility-Scale Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- C. Maximum Tilt: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.
- D. Minimum Tilt: The minimal angle of a solar array (i.e. most horizontal position) for capturing solar radiation as compared to the horizon line.
- E. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- F. Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.
- G. Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.
- H. Utility-Scale Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Section 4. Repeal of Existing Section 6.26; Addition of New Section 6.26, entitled “Solar Energy Systems”

The current Section 6.26, entitled “Solar Energy Collectors,” is repealed in its entirety. New Section 6.26, entitled “Solar Energy Systems,” is added to the Township’s Zoning Ordinance and reads as follows:

Section 6.26. Solar Energy Systems.

- A. **General Provisions.** All Solar Energy Systems are subject to the following requirements:
 - 1. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes

and applicable industry standards, including those of the American National Standards Institute (ANSI).

2. If an applicant or operator of a Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

B. Private Solar Energy Systems.

1. Administrative Review. Except as provided in subsection (d) below, all Private Solar Energy Systems require administrative approval as follows:

- a. *Application to Zoning Administrator.* An applicant who seeks to install a Private Solar Energy System must submit an application to the Zoning Administrator in or on a form approved by the Township Board. The Township may require that the application be submitted in an electronic format.
- b. *Application Requirements.* The application must include:
 1. A site plan depicting setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 2. Photographs of the property's existing condition.
 3. Renderings or catalogue cuts of the proposed solar energy equipment.
 4. A certificate of compliance demonstrating that the proposed solar energy equipment has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 5. A copy of the manufacturer's installation directions.
- c. *Zoning Administrator Authority.* The Zoning Administrator is authorized to approve, approve with conditions, or deny applications for Private Solar Energy Systems. An aggrieved party may appeal the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 5.04(A) of the Zoning Ordinance.
- d. *Exclusions from Administrative Review.* Administrative review is not required for (i) a single solar panel with a total area of less than eight square feet; and (ii) repair and replacement of existing solar energy

equipment if there is no expansion of the size or area of the solar energy equipment.

2. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs are permitted as accessory uses in all zoning districts, subject to administrative approval as set forth in this section. A building permit is required for the installation of BIVPs.

3. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:

- a. *Safety.* A Roof or Building Mounted Private Solar Energy System must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code.
- b. *Building Permit.* A building permit is required for installation of a Roof or Building Mounted Private Solar Energy System.
- a. *Maximum Height.* No part of the Solar Energy System mounted on a roof is permitted to extend more than five feet beyond the peak of the roof or to exceed the maximum building limitation for the zoning district in which it is located. No part of a Solar Energy System mounted on a roof is to project beyond the eaves of the room.
- b. *Location.* If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted. A Solar Energy System mounted on a building wall may not face an adjacent public right-of-way.
- c. *Appearance.* Roof or Building Mounted Private Solar Energy Systems must be neutral in color and substantially non-reflective of light.
- d. *Abandonment.* If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within three months after the date of abandonment.
- e. *Nonconforming Buildings.* A Roof or Building Mounted Private Solar Energy System installed on a nonconforming building or structure is not considered an expansion of the conformity, but it must meet all height and placement requirements of the zoning district and this section.
- f. *Inspection.* The Zoning Administrator may inspect a Private Solar Energy System for compliance with this ordinance upon providing reasonable notice to the property owner or occupant.

4. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:

- a. *Safety.* A Ground Mounted Private Solar Energy System must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code. The Ground Mounted Private Solar Energy System must be permanently and safely attached to the ground.
- b. *Building Permit.* A building permit is required for installation of a Ground Mounted Private Solar Energy System.
- c. *Maximum Height.* A Ground Mounted Private Solar Energy System must not exceed the maximum building height for adjacent accessory buildings and must not exceed 16 feet above the ground when oriented at maximum tilt.
- d. *Location.* A Ground Mounted Private Solar Energy System must be located in the rear yard or side yard and meet the applicable setback requirements for the zoning district.
- e. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.
- f. *Screening.* Greenbelt screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque (meeting the requirements of this Ordinance applicable to fences) may be used if approved by the Planning Commission.
- g. *Lot Area Coverage.* The area of the Ground Mounted Private Solar Energy System must not exceed 50% of the square footage of the principal building on the property. If the property is two acres or less in size, a Ground Mounted Private Solar Energy System is not considered an accessory building or structure for purposes of Section 6.06.

- h. *Appearance.* The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.
- i. *Abandonment.* If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within three months after the date of abandonment.
- g. *Nonconforming Buildings.* A Ground Mounted Private Solar Energy System installed on a nonconforming building or structure is not considered an expansion of the conformity, but it must meet all height and placement requirements of the zoning district and this section.
- h. *Inspection.* The Zoning Administrator may inspect a Private Solar Energy System for compliance with this ordinance upon providing reasonable notice to the property owner or occupant.

C. Utility-Scale Solar Energy Systems. Utility-Scale Solar Energy Systems are permitted by Special Land Use approval in the Solar Energy System Overlay District and require a special land use permit under Article 13 and site plan approval under Article 14. Utility-Scale Solar Energy Systems are also subject to the following requirements:

1. *Special Land Use Permit Application Requirements.* The applicant must submit a special land use permit application that complies with Article 13. The Township may require that the application be submitted in an electronic format. In addition to the requirements of Article 13, the applicant for a Utility-Scale Solar Energy System must provide the Township with all of the following:

- a. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
- b. A nonrefundable deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant be insufficient in the determination of the Township. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of

actual costs will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

- c. A list of all parcel numbers that will be used by the Utility-Scale Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- d. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- e. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant must identify its plan for providing those resources.
- f. A written description of the fire suppression system that will be installed, which must identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
- g. Current photographs of the subject property.
- h. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Solar Energy System.
- i. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- j. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Solar Energy System and restore the subject parcels.
- k. Financial security that meets the requirements of this ordinance.
- l. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Solar Energy System.

- m. A plan for managing any hazardous waste.
- n. A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation.
- o. An attestation that the applicant and owner of any property upon which the Utility-Scale Solar Energy System is located will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System.
- p. A copy of the manufacturer's directions or instruction manual for installing, maintaining, and using the Utility-Scale Solar Energy System.
- q. A ground cover vegetation establishment and management plan that complies with this ordinance.
- r. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
- s. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

2. *Site Plan Application Requirements.*

- a. *Contents of Site Plan.* The Township may require that the site plan application and all related materials be submitted in an electronic format. In addition to the requirements in Article 14, the applicant must provide a detailed site plan draft to a scale of 1" = 200 feet with the following:
 - 1. Location of all proposed structures, panels, equipment, transformers, and substations.
 - 2. Location of all dwellings on the lot and within 300 feet of the property lines.

3. Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
4. Indication of how and where the system will be connected to the power grid.
5. Plan for any land clearing and grading required for the installation and operation of the system.
6. Plan for ground cover establishment and management.
7. Anticipated construction schedule.
8. Sound modeling study including sound isolines extending from the sound sources to the property lines.
9. Any additional studies requested by the Planning Commission, including but not limited to the following:
 - a. 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.
 - b. 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 will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. Stormwater Study: An analysis by a third-party qualified professional studying the proposed layout of the Utility-Scale 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 must be provided to demonstrate infiltration on-site without the use of engineered solutions.

- d. **Glare Study:** An analysis by a third-party qualified professional to determine if glare from the Utility-Scale Solar Energy System will be visible from nearby residents and roadways. If required, the analysis will consider the changing position of the sun throughout the day and year and its influences on the utility-scale solar energy system.
- b. *Optional Conceptual Layout Plan.* Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan may be reviewed by the Planning Commission to allow for discussion and feedback.
- c. *Approvals from Other Agencies.* Final site plan approval may be granted only after the applicant receives (1) all required federal and state approvals, and (2) approval by the local fire chief, county drain commissioner, county road commission, local airport zoning authority (if applicable), and county building department.

3. *Application Items as Substantive Requirements.* The information, plans, documents, and other items identified as application requirements in this ordinance, including the site plan and special land use permit, are substantive requirements for obtaining approval for a Utility-Scale Solar Energy System. The Planning Commission is to review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission may deny approval on that basis.

4. *System and Location Requirements.*

- a. Utility-Scale Solar Energy Systems are to be located only in the Solar Energy System Overlay District.
- b. Utility-Scale Solar Energy Systems must be ground mounted.
- c. Utility-Scale Solar Energy Systems (including all solar panels, structures, and equipment) must be set back at least 250 feet from the property line of any parcel with an occupied residential structure and at least 100 feet from all other lot lines and public road rights-of-way. If a single Utility-Scale Solar Energy System is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the Utility-Scale Solar Energy System is located, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
- d. Utility-Scale Solar Energy Systems must be set back at least 50 feet from the edge of any wetland, shoreline, or drain easement. The Planning Commission may increase this setback requirement to 150 feet if the Planning Commission determines that such a setback is necessary to protect the environment, the ecological significance of

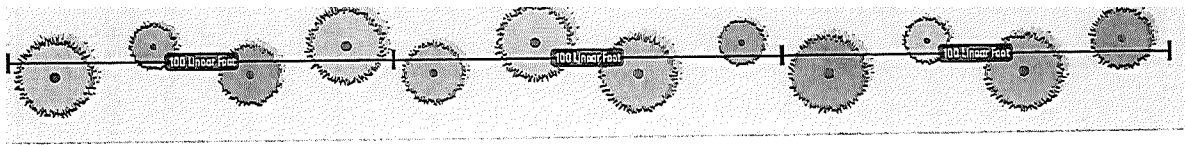
the wetland, shoreline or drain easement, or the public health, safety, and welfare.

- e. The height of the Utility-Scale Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed 16 feet when oriented at maximum tilt. The Planning Commission may allow a height of up to 20 feet if the applicant establishes that the lot is used for grazing by farm animals in a manner that requires increasing the height limit. Lightning rods may exceed 16 feet in height, but they must be limited to the height necessary to protect the Utility-Scale Solar Energy System from lightning.

5. *Permits.* All required county, state, and federal permits must be obtained before the Utility-Scale Solar Energy System begins operating.

6. *Screening.* Greenbelt screening is required around any Utility-Scale Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent parcel if the adjacent parcel is owned by a different owner as the property on which the Utility-Scale Solar Energy System is located. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. The landscaping must including the following:

- a. At least four evergreen trees planted every 100 linear feet in a staggered pattern and evenly distributed, as depicted here:



- b. Each evergreen tree must have a minimum mature height of 15 feet and must be at least seven feet tall when planted.
- c. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.
- d. Utility-Scale Solar Energy System also must comply with the landscaping standards in Section 6.16 of the Zoning Ordinance.

7. *Appearance.* The exterior surface of the Utility-Scale Solar Energy System must be generally neutral in color and substantially non-reflective of light.

8. *Lighting.* Lighting of the Utility-Scale Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend

beyond the perimeter of the lot(s) used for the Utility-Scale Solar Energy System. The Utility-Scale Solar Energy System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads. Flashing or intermittent lights are prohibited.

9. *Security Fencing.* Security fencing must be installed around all electrical equipment related to the Utility-Scale Solar Energy System, including any transformers and transfer stations. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Solar Energy System. Fencing must be at least seven feet tall and be composed of chain link or woven wire. Barbed wire is prohibited. Security fencing is not subject to setback requirements.

10. *Noise.* The noise generated by a Utility-Scale Solar Energy System must not exceed the following limits:

- a. 40 dBA Lmax, as measured at the property line, between the hours of 7:00 a.m. and 9:00 p.m.
- b. 35 dBA Lmax, as measured at the property line, between the hours of 9:00 p.m. and 7:00 a.m.
- c. In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than 10 feet from all inverters, must be at least as tall as all inverters but not more than three feet taller than the height of all inverters.

11. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Utility-Scale Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.

12. *Drain Tile Inspections.* The Utility-Scale Solar Energy System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within 60 days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

13. *Fire Suppression.* The Utility-Scale Solar Energy System must include a fire suppression system that is specifically designed to immediately suppress and extinguish fires in any part of the Solar Energy System, including the panels, electrical equipment, transformers, and transfer stations. The applicant or operator must provide documentation establishing the effectiveness of the fire suppression system and the results of a third-party independent inspection of the fire suppression system.

14. *Ground Cover.* The lot on which the Utility-Scale Solar Energy System is located must be covered with vegetation until decommissioning. To meet this requirement, the lot must include one or more of the following:

- a. Pollinator Habitat: A site designed to have vegetation that will enhance pollinator populations, including a diversity of flowering plants and wildflowers, and meets a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
- b. Conservation Cover: A site designed with practices to restore native plants, grasses, and prairie with the aim of protecting specific species or providing specific ecosystem services, such as carbon sequestration or soil health. The site must be designed in partnership with a conservation organization or approved by the Livingston Conservation District.
- c. Forage/Grazing: Sites that incorporate rotational livestock grazing and forage production as part of a vegetative maintenance plan.
- d. Agrivoltaics: Sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

15. *Signs.* Signs are permitted but must comply with Article 17. The lot must include at least one sign identifying the owner and providing a 24-hour emergency contact telephone number.

16. *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.

17. *Decommissioning.* If a Utility-Scale Solar Energy System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Solar Energy System that is never fully completed or operational if construction has been halted for a period of one year.

18. *Financial Security.* To ensure proper decommissioning of a Utility-Scale Solar Energy System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two years to ensure that the amount remains adequate, and the Township may demand additional amounts to keep pace with cost increases for decommissioning. This

financial security must be posted within 15 business days after approval of the special land use application.

19. *Extraordinary Events.* If the Utility-Scale Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

20. *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

- a. Amount of electric generation;
- b. Current proof of insurance;
- c. Verification of financial security; and
- d. A summary of all complaints, complaint resolutions, and extraordinary events.

Additionally, a representative of the applicant or operator must appear before the Planning Commission at least once every three years to report on the Utility-Scale Solar Energy System and address questions or concerns from the Planning Commission.

21. *Inspections.* The Township may inspect a Utility-Scale Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.

22. *Transferability.* A special use permit for a Utility-Scale Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

23. *Major and Minor Site Plan Amendments.*

- a. Major site plan amendments include those listed in Section 14.08(C) and any of the following:
 1. Changes of the location of arrays, fencing, buildings, or ancillary equipment by 10 feet or more.
 2. Any increase in the height of solar panels.
- b. Minor site plan amendments include those listed in section 14.08(D) and any of the following:
 1. Changes of the location of arrays, fencing, buildings, or ancillary equipment by less than 10 feet.

24. *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use

permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 5. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 7. Effective Date.

This Ordinance takes effect seven days after publication as provided by law.

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