

## **Conway Township Planning Commission Meeting Agenda**

Date:	April 11, 2022	7:00pm
Next Meeting	May 9, 2022	7:00pm

### **AGENDA**

1. Call to Order and Pledge of Allegiance
2. Roll Call and Sign in: Jeff Klein, Londa Horton, George Pushies, Kelly Ralko, Chuck Skwirsk, Meghan Swain-Kuch, Dave Whitt. Zoning Administrator: Todd Thomas.

### **APPROVAL OF LAST MEETING MINUTES**

3. Planning Meeting Minutes from last meeting March 14, 2022

### **CALL TO PUBLIC**

### **APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT**

### **COMMUNICATIONS**

4. Zoning Administrator Report
5. Board Ex-Officio Report

### **OLD BUSINESS**

6. Small Event Template – Meghan sent to Justin for feedback
7. WHMI - Meghan
8. Solar Survey edits – Londa
9. Corridor Access – Justin

### **NEW BUSINESS**

10. PC feedback on The Planners Solar Outline – PC members
11. Caledonia Township Solar Facilities, Handy Twp. Solar Ordinance – Kelly
12. Solar Rough Draft - Chuck
13. Status List of proposed ZO amendments Chart – Abby
14. Z-17-22 Conway Twp Temporary Use Permits - Abby
15. Z-18-22 Conway Twp Accessory Bldg. - Abby

### **PLANNING COMMISSION MEMBER DISCUSSION**

### **LAST CALL TO PUBLIC**

### **ADJOURNMENT**

**Planning Commission Member Meeting Sign in**

**Date: April 11, 2022**

**Planning Commission**

Jeff Klein	
Londa Horton	
George Pushies	
Kelly Ralko	
Chuck Skwirsk	
Meghan Swain-Kuch	
Dave Whitt	

**Zoning Administrator**

Todd Thomas	
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# Conway Township Planning Commission Meeting Minutes

March 14, 2022

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

Agenda	Items Discussed	Actions to be Taken
<b>AGENDA</b>  <b>Call to Order</b>  <b>Pledge of Allegiance</b>  <b>Roll Call</b>  <b>Signin</b>	Attendees:  1. Chair Chuck Skwirsk called the Conway Township Planning Commission meeting to order at 7:00pm.  Chair Chuck Skwirsk led in the Pledge of Allegiance.  2. He called Roll Call of:  <b>Planning Commission Members present:</b> Jeff Klein, Londa Horton, Kelly Ralko, Meghan Swain-Kuch, Chuck Skwirsk, Dave Whitt, George Pushies - Ex-Officio  <b>Zoning Administrator present:</b> Todd Thomas.  <b>Livingston County Planning Commissioner present:</b> Dennis Bowdoin  <b>Township Attorney present:</b> Abby Cooper  <b>Community Builders (CIP) Master Planners present:</b> <del>Carmen</del> , Justin, Hannah  <b>Those absent:</b> <a href="#">Click or tap here to enter text.</a>	
<b>CONSENT AGENDA APPROVAL</b>	3. Planning Meeting Minutes from the last meeting 2/14/2022 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.	
<b>CALL TO PUBLIC</b>	-0-	
<b>APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT</b>	Meghan Swain-Kuch made a motion to accept the meeting agenda for tonight. Second by George Pushies. All in favor. Opposed. Motion passed.	
<b>COMMUNICATIONS</b>	4. Zoning Administrator Report - February 2022 – solar permit building-mounted was submitted for February, no application for Luke Bryan. 5. Board Ex-Officio Report – February 2022 Board Meeting minutes 6. Policy 21 – Chuck Swirsk  Abby Cooper was asked by the Board to prepare a policy to prepare how public hearings are to be handled. How to make this a workable policy for the Secretary. Chuck Swirsk asked Dennis Bowdoin when he was the	

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	<p>Chair, how was it handled. “I took everything to Chet that I needed and Chet did the agenda and hand delivered agendas to PC members houses. That process carried over to Cindy. The Public Hearing went into the <i>News and Views</i>. “You don’t have any money, so you cannot go to the press.” Todd also did all the notifications, special zoning, and special use. The Clerk has always taken care of that. The difference is that Londa and the previous secretary, we have to notify all surrounding townships for events like for the Master Plan. All have to be notified. The precedent is that the clerk always handled that. I believe everything should be pushed through one hub, Chuck. Who does the mailing for any zoning within 300 feet? Karen, the Accessor, and Todd Thomas do it up to 300’ – we identify the properties and Clerk does the mailing, commented Todd. It’s on the board for tomorrow’s agenda to get the draft in better shape.</p>	<p><b>Bill will take matter to the Board for tomorrow’s agenda.</b></p>
<p><b>OLD BUSINESS</b></p>	<p>7. Small Event Template – Meghan</p> <p>Meghan Swain-Kuch pulled from two really good ordinances to make the template. Justin asked to be sent the ordinances from Meghan. Whatever zoning district it is, have a threshold for attendance, like 2500 and down, commented Todd Thomas. Higher than that could be handled by Site Plan review. Justin, a small event if it’s an enclosed building, then it’s the number of people it holds will be the capacity.</p> <p>8. Solar Survey – Kelly, Abby</p> <p>Kelly sent to the board for a vote, needs our guidance. Make a recommendation. “Solar is coming in; will it tie up money?” Chuck. We could put something on the website for consumer alert, to inform the public. Make sure someone doesn’t take the survey multiple times, Meghan. Put a notice in the paper to read the paper. Use electronic means for cost saving. Justin, post on the website and the township will mail it if not available electronically, or when they come in to the office. George, it needs to go further than the <i>News and Views</i>. Meghan, “Can we put up a survey event on WHMI?” Londa commented on development of survey in that it needs to be neutral. Kelly wants input. A farmer can use the farming act to choose how to farm, crops or solar for example, Right to Farm Act. Abby – question 2. What are your concerns – no discount given to electric bills. That should be deleted as a</p>	<p><b>Meghan to send Justin event template zoning ordinances used</b></p>

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	<p>choice. Include Londa’s comments. Include demographics. Londa to include edits for next meeting. What is a commercial farm? Define this. You can have a solar farm on 35 acres. Age, resident for how long, demographics, if you work within the township are things to consider for demographics on the survey.</p> <p>9. PC Bylaws – Abby 10. 13.10 Event weddings – Abby</p> <p>LCPC have some more consideration for the event barns. Vote to keep the amendment related to wedding barns and send rest to LCPC. Keep two amendment – Z-08-22 and Z-07-22 here too. She thought we needed two edits before going to the Board, but include the definition for marijuana caregiver operation and it was already included. Delete “special” land use permit, it already is a “Special land use permit in AR district.” We are good to send 5,6,9,10,11 to the Board for approval. Motion to approve the Resolution to <b>Recommend approval of Zoning Ordinance Amendments to Township Board.</b> and then send to the Board for approval. Meghan Swain Kuch so moved, second Kelly Ralke.</p> <p>11. PR Resolution - Abby</p>	<p>Londa to edit survey</p> <p>George to take to the Board</p>
<b>NEW BUSINESS</b>	<p>12. Census stats for Master Plan – Dennis Bowdoin</p> <p>SEMCOGs data is updated, for example. The census was not as highly collected as in the past and it’s still not all out yet, Justin. The profile for Livingston County would be good for the Master Plan and website.</p> <p>13. Solar List – The Planners</p> <p>They held a meeting three weeks ago with the Chair, attorney and supervisor, ZA, and Cohocatah here. We will not prepare an actual ordinance tonight. They prepared an outline.</p> <ul style="list-style-type: none"> <li>a. Things in red were questions we wanted to bring to your attention.             <ul style="list-style-type: none"> <li>i. Building mounted versus ground mounted vs. commercial and accessory. Have commercial systems have their own ZO.</li> </ul> </li> </ul>	<p>PC members make revisions</p>

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Agenda	Items Discussed	Actions to be Taken
	<ul style="list-style-type: none"><li>ii. Commercial – page 2. Front yard prohibited in commercial – solar will not be in front yard. How to handle that – where is house located, Meghan.</li><li>iii. Ht. 16’ is good to keep, Hannah. From ground to top of the panel. Think about if allow grazing then allow more height.</li><li>iv. Farms enrolled in PA 116 needs to follows rules for MDARD, must keep drainage, disclose what the drainage was made with, have a plan for replacement. Storm water must be kept onsite and managed onsite and not negatively impact a neighbor as a result of your development. Create retention basins. We have a Michigan and US wetland inventory. Understand where each tile is located. Storm water calculations will have to be verified currently and then calculate the impact of their development.</li><li>v. This township is only a donor township, we don’t take any water in, we donate water out, Dennis Bowdoin. We have a county drain running right through the middle of this township. Hot and warm weather pattern was different this year, Dave Whitt. No one can build within 50 feet of the drain, Dennis.</li><li>vi. Fencing – 7 ‘chain link or woven wire, no barbed wire.</li><li>vii. Power and transmission lines located underground – need feedback.</li><li>viii. Setbacks 200’ from property line. From wetlands – setbacks – think of this. How are they preventing it flowing back into the wetland? What are the runoff plans? The general standard – water enters at the same rate at the beginning as after development. Building or a structure 6.06L has a different setback for water.</li><li>ix. Groundcover – native vegetation needs to be established.</li></ul>	

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	<ul style="list-style-type: none"> <li>x. The fencing doesn't have to follow the setbacks, just the panels.</li> <li>xi. Consider access corridors for wildlife every 1000 feet for migratory patterns. There is a development where it shows the solar panels are laid out in a network of corridors in between. This could be a requirement. Justin will send out pictures of one he knows of.</li> <li>xii. Landscaping- liked Marcellus Township – need feedback</li> <li>xiii. Site plan process: having a conceptual layout plan shows major elements of a site plan. The developer submits before engineering and it comes to the PC for review before they make up full plans. Full plans would still come through the normal process. What's a reasonable site plan timeframe? What's the process for getting an extension? How many extensions?</li> <li>xiv. Formal Site plan – Planners have a site plan review process.</li> <li>xv. Modifications of site plan – minor changes like location of a panel could it be handled at admin level and major changes come back to Planning Commission.</li> <li>xvi. Decommissioning plan – removal of equipment and restoration of soil up to depth of 4'. Performance guarantee reviewed every 3 years. Insurance and damage to current infrastructure – add, Kelly.</li> </ul>	<p><b>Justin to send link to access corridors</b></p>
<p><b>PLANNING COMMISSION MEMBER DISCUSSION</b></p>	<p>Dave Whitt has a question for Abby, "If a company applies for multiple projects, what leverage do we have?"</p> <p>Londa Horton – consider small trees in screening versus large trees.</p>	
<p><b>LAST CALL TO PUBLIC</b></p>	<p>Attendee – there has been a change to the personnel handbook regarding smoking around the building. PC members get back to Gabi with reply.</p>	

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	Attendee - Public Hearing is the chance for public to give feedback, it's published in the paper to give input.	
<b>ADJOURNMENT</b>	Chuck Skwirsk made a motion to adjourn. Second by George Pushies. All in favor. Opposed. Motion passed. Adjourned at 8:52pm	

\*\*SEE ATTACHED ZO AMENDMENT RESOLUTION BELOW PER ABBY COOPER

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## RESOLUTION TO RECOMMEND APPROVAL OF ZONING ORDINANCE AMENDMENTS TO TOWNSHIP BOARD

### Conway Township Planning Commission

WHEREAS, the Conway Township Planning Commission ("Township PC") held a public hearing on the following zoning ordinance amendments on December 13, 2021, and recommended approval to the Township Board:

Z-05-22 Conway Township, Zoning Ordinance Amendment, Article 2 Definitions and Article 6 General and Supplemental Regulations, regarding Accessory Buildings and Structures.

Z-06-22 Conway Township, Zoning Ordinance Amendment, Article 7 AR Agricultural Residential District, Article 8 R Residential District and Article 10 C Commercial District regarding Additional Dimensional Requirements.

Z-07-22 Conway Township, Zoning Ordinance Amendment, Article 7 AR Agricultural Residential District, Article 8 R Residential District, Article 10 C Commercial District, and Article 11 I Industrial District regarding Event/Wedding Structures as a Special Use

Z-08-22 Conway Township, Zoning Ordinance Amendment, Article 13 Special Land Uses regarding Special Event/Wedding Structures and Venues.

Z-09-22 Conway Township, Zoning Ordinance Amendment, Article 6 General and Supplemental Regulations regarding Medical Marijuana Uses.

Z-10-22 Conway Township, Zoning Ordinance Amendment, Article 15 Off-Street Parking and Loading-Unloading Standards regarding Parking Space Requirements.

Z-11-22 Conway Township, Zoning Ordinance Amendment, Article 6 General and Supplemental Regulations regarding Solar Energy Collectors.

The above-listed numbers are those assigned by the Livingston County Planning Commission ("LCPC") to the proposed amendments.

WHEREAS, pursuant to statute, these proposed zoning ordinance amendments were provided to LCPC for their review and recommendation;

WHEREAS, the LCPC likewise recommended approval of the above noted amendments with the exception of Z-08-22 related to Special Event Wedding Structures and Venues;

WHEREAS, as to the Special Event Wedding Structures and Venues, the LCPC and it's staff did believe the proposed amendments to be reasonable and appropriate but encouraged the Township to take careful consideration of the comments in their review prior to taking final action, which

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included additional considerations related to noise levels, hours of operation, farming preservation, traffic, setbacks, landscaping, lighting, sanitation, and appropriate bond.

WHEREAS, the Township PC wishes to take additional time to go through the LCPC review and comments in these areas before making a final recommendation on those proposed amendments in addition to allowing the input of its newly engaged planners;

WHEREAS, regarding Z-09-22 relating to Medical Marihuana Uses, the LCPC recommended a definition in Article 2 be added for "Medical Marihuana Caregiver Operation;" however, upon further review, that definition is already in the ordinance at Section 6.25(C)(2).

WHEREAS, the Township PC previously believed it would be necessary to delete the word "special" in 6.25(G)(9); however, upon further review, that word is appropriate in that subsection as Medical Marihuana Caregiver Operations are permitted as a special use in the AR District per Sections 7.03(19) and 6.25G(1).

NOW, THEREFORE, BE IT RESOLVED that:

1. The Township PC recommends to the Township Board the proposed amendments assigned LCPC numbers Z-05-22, Z-06-22, ~~Z-07-22~~, Z-09-22, Z-10-22, and Z-11-22 for approval and proposed revisions to Section 6.25 shall be unchanged from the original vote of the Township PC, as shown on the attached.
2. The Township PC's final recommendation on amendment Z-08-22, relating to Special Event Wedding Structures and Venues, shall be delayed to allow the Township PC more time to explore the various issues outlined in the LCPD's review, and therefore this proposed amendment will not be forwarded to the Township Board at this time.

The foregoing resolution offered by Board Member Meghan Swain-Kuch  
Second offered by Board Member Kelly Ralko

Upon roll call vote the board members voted as follows:

Skwirsk: Yes  
Swain-Kuch: Yes  
Klein: Yes  
Ralko: Yes  
Whitt, D: Yes  
Horton: Yes

Opposed = -0-

The Chairperson declared the resolution adopted at a regular meeting of the Conway Township Planning Commission held on March 14, 2022.

Londa Horton  
Londa Horton, Clerk SECRETARY

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Z-07-22 Conway Township  
Amendments to Zoning Ordinance Article 7: AR Agricultural Residential District, Article 8: R Residential District, Article 10: C Commercial District, and Article 11: I Industrial District

## ARTICLE 8. R RESIDENTIAL DISTRICT

### Section 8.03 Special Uses

- A. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 13, Special Land Uses.

13. Special Event/Wedding Structures and Venues. (See Section 13.10).

## ARTICLE 10. C COMMERCIAL DISTRICT

### Section 10.03 Special Uses

- A. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 13 Special Land Uses:

11. Special Event/Wedding Structures and Venues. (See Section 13.10).

## ARTICLE 11. I INDUSTRIAL DISTRICT

### Section 11.03 Special Approval

- A. The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission pursuant to the standards of Article 13 Special Land Uses.

10. Special Event/Wedding Structures and Venues. (See Section 13.10).

**Township Recommendation: Approval.** The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 13, 2021. There were no public comments noted in the minutes.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate.

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Z-08-22: Conway Township  
Amendments to Article 13: Special Land Uses  
Page 2

## W. Special Event/Wedding Structures and Venues.

### 1. Intent and Purpose.

This special land use is for the conversion of existing farm structures or construction of new structures of a farm, rustic or similar style, and the use of surrounding grounds for organized meeting and/or reception space as a gathering place for weddings, parties, and corporate events.

### 2. Site Requirements and Performance Standards.

All special event/wedding structures, venues, and surrounding grounds shall be subject to the following requirements and standards:

- a. All approved special land uses for special wedding structures, venues, and surrounding grounds are subject to an annual review by the Zoning Administrator for compliance purposes as stated in Section 13.06 (D.).

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**STAFF COMMENTS:** The Township Ordinance regarding permit compliance (Section 13.06 (D.)), states the following:

*D. Permit Compliance. In authorizing any special use permit, the Planning Commission may require a performance guarantee pursuant to Section 3.06 to insure compliance with the requirements, specifications and conditions imposed. All special use permits shall be subject to an annual review by the Zoning Administrator for compliance purposes. The Zoning Administrator shall report any non-compliance findings to the Planning Commission for further action.*

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- b. The minimum parcel size shall be twenty (20) acres.

- c. A five hundred (500) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Special event activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping shall be installed, to maintain the rural/agricultural character of the site.

- d. A landscape buffer meeting the requirements of Article 6 shall be installed along all property boundaries abutting a residentially zoned district or residential use. The Planning Commission may request additional landscaping to provide further screening/buffer from lights or noise.

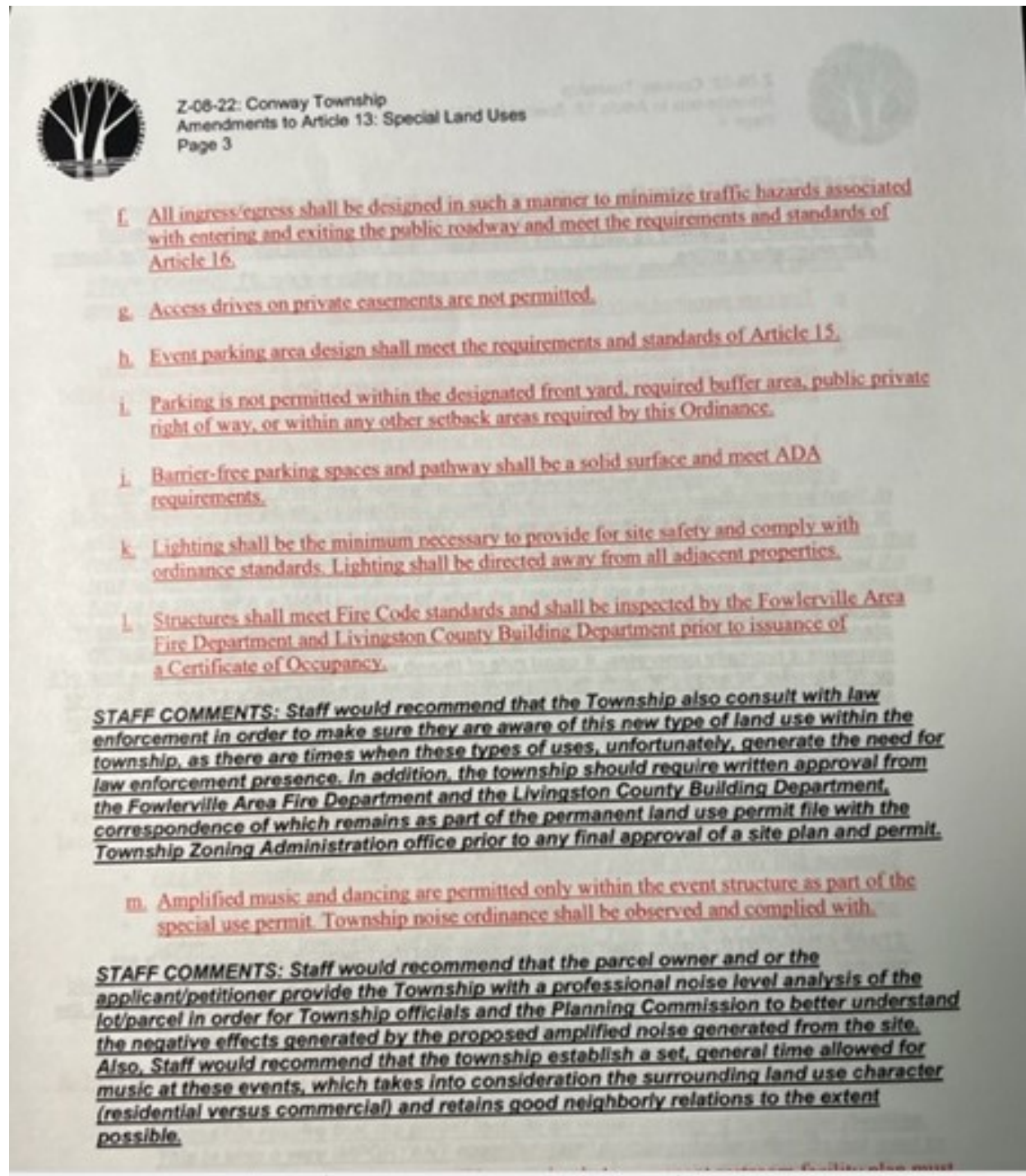
- e. Parcels shall have unobstructed frontage and provide direct ingress and egress.

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Z-08-22: Conway Township  
Amendments to Article 13: Special Land Uses  
Page 4

STAFF COMMENT: Here the question arises, who is the responsible party to secure the liquor permit, the owner of the property or the event applicant/petitioner? This permit should also be retained as part of the permanent land use permit file residing in the Zoning Administrator's office.

- p. Tents are permitted only for outdoor wedding ceremonies.
- q. Applicants for a special use permit under this subsection shall, in addition to any other special use and site plan application requirements, provide the following information at the time of application:
  - 1. Ownership of the property.
  - 2. A site plan for the entire parcel, including proposed ingress/egress, parking areas, and capacity and otherwise consistent with Article 14.
  - 3. Proposed hours/days of operation.

STAFF COMMENTS: Staff would highly recommend that the township pre-establish a set standard for hours of operation for this land use, especially due to the noise and traffic elements it typically generates. A good rule of thumb would be an operational time limit of 9 or 10 AM until 10 or 11 PM, with the site only operational during Daylight Savings Time (or Mid-March through early November), when leaves are still on the trees, in order to provide another level of noise suppression and to maximize the level of daylight available during that time period.

- 4. The size of the event facility and guest capacity, including a floor plan of the structure and other areas/structures to be utilized. Applicant must provide a copy of Certificate of Occupancy for any structures included in the event.
- 5. The anticipated number of events per year.

STAFF COMMENTS: Again, Staff would suggest that the township pre-establish a set number of events allowed by the site, either daily, weekly, monthly and yearly. Staff would also suggest that the owner of the site maintain a log of events that will serve as part of the basis for the annual permit review by the township.

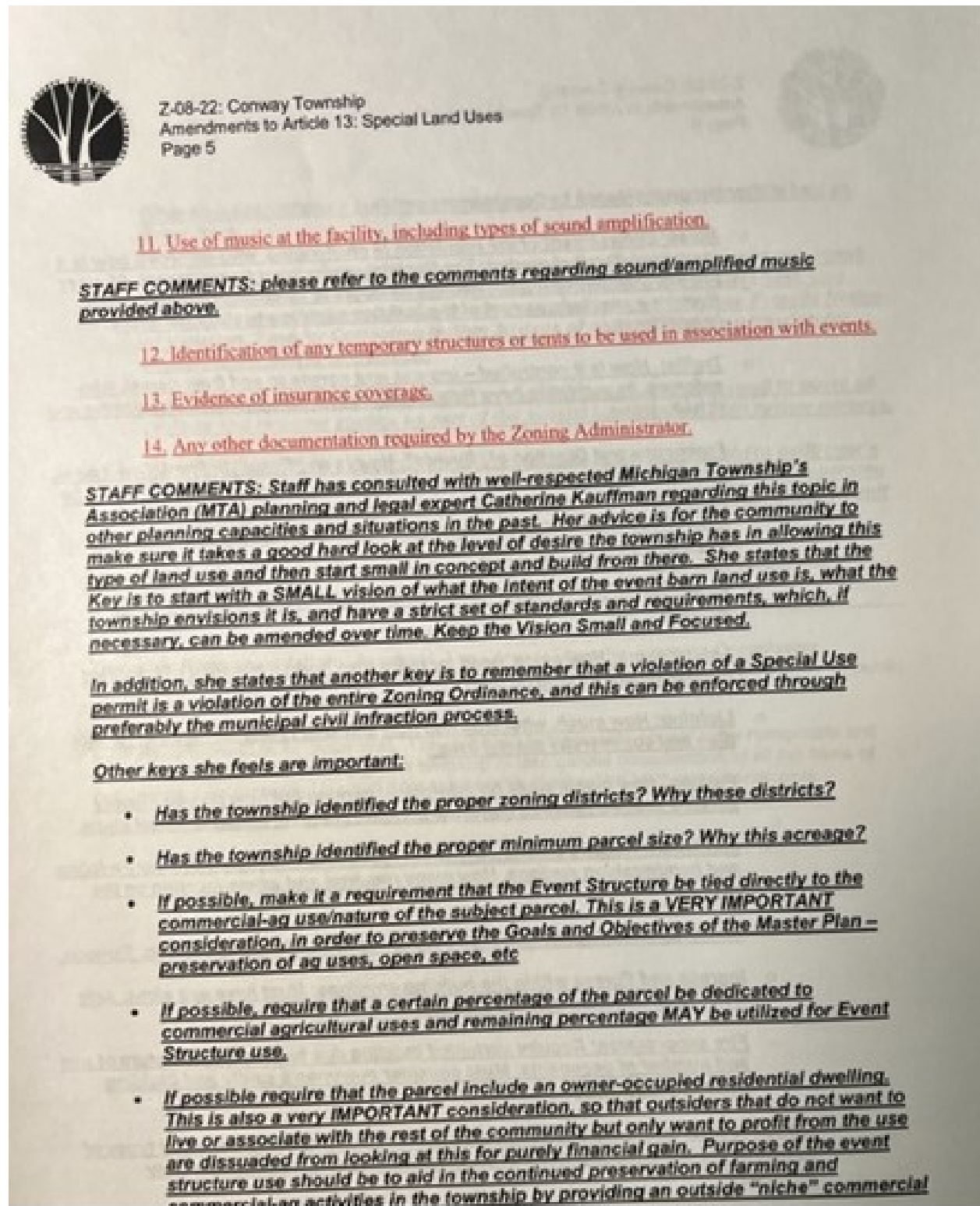
- 6. The maximum number of attendees per event, which shall not exceed the capacity of all utilized structures.
- 7. Number of full- and part-time employees.

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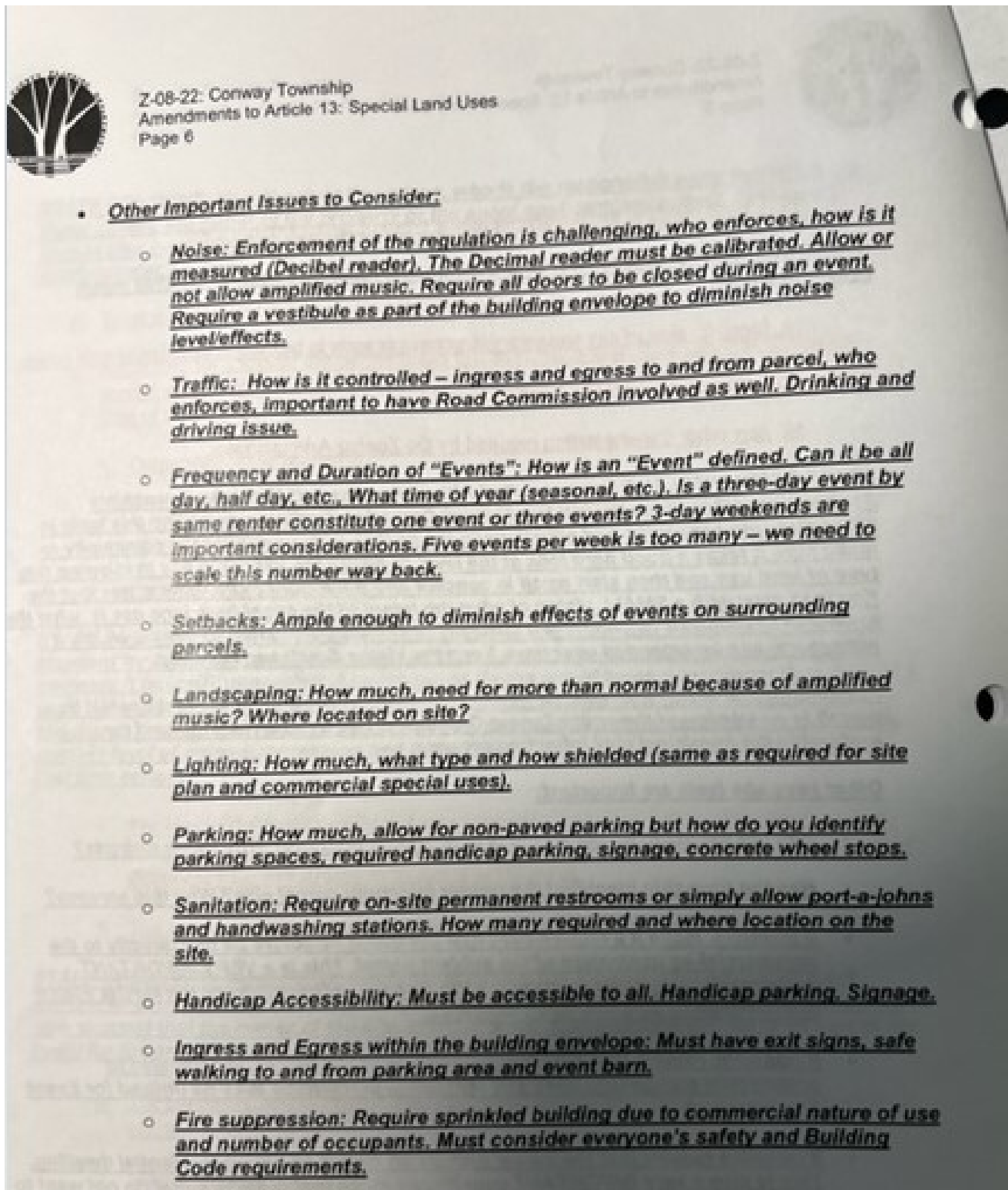


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Z-08-22: Conway Township  
Amendments to Article 13: Special Land Uses  
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What about rehabbing a building previously used for strictly Ag purposes into an Event Barn.

- It is necessary to have solid language regarding violation of the special use permit (Should be located in the Special Use Chapter so it covers all special uses). Use municipal civil infraction process, do not use criminal court process. Provide Notice of Violation, Time for Correction (within 30 days of notice), Require a Hearing for Permit Holder that is in violation.
- Need to require an Escrow Fee or Performance Guarantee: This is used to cover all reviews and required studies as part of the special Use and Site Plan review process.
- Require Sound Study? Do analysis of immediately surrounding uses to petitioner's lot and where they want to site the Event Barn (to try to answer questions regarding noise, traffic issues, etc.). Require \$1500-\$2000 bond in addition to the actual permit fee.

Hopefully the township will find these suggestions beneficial to the process and will consider them prior to taking any final action on these amendments.

**Township Recommendation: Approval.** The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 13, 2021. There were no public comments noted in the minutes.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate. Staff would encourage the township to take careful consideration of all the items of consideration as presented by staff prior to taking any final action on these amendments.

### **Example Draft of Survey**

Conway Township Survey- what you are collecting and why, data management policy- who will see and handle the information. If you want to require an answer on all questions then set the survey so that the respondent cannot advance until they answer. Use a reputable survey tool that collects the data, protects the anonymity, restricts one-time access/responses to one per household and provides analyzation. How will you ensure only one respondent per household answers the survey?

How long it will take to respond to survey.

Keep questions and answer choices of the same length.

Directions: *select the **best answer** to the following questions by circling your answer choice.*

### **Demographics:**

1. How long have you been a resident of Conway Township?
  - a. Less than one year
  - b. 1-10 years
  - c. 11-25 years
  - d. Over 25 years
  - e. Lifetime resident
2. What is your age?
  - a. 18-25
  - b. 26-40
  - c. 41-65
  - d. Over 65
3. How much land do you own in Conway Township?
  - a. 1 acre or less
  - b. 2-10 acres
  - c. 11-50 acres
  - d. 50-200 acres
  - e. Over 200 acres
4. Are you a registered voter?
  - a. Yes
  - b. No

### **Survey Questions**

5. How knowledgeable are you on solar farm development? I have:
  - a. Read, researched, or studied this kind of energy
  - b. Attended professional seminars or meetings on solar energy
  - c. Visited a solar farm in our vicinity, state, or nation
  - d. Discussed solar farm development with neighbors, or government officials
  - e. Relied on word-of-mouth for solar farm development information
  - f. No information on solar farm development

6. What is the greatest benefit of solar farms to our township, state, nation?
  - a. It reduces reliance on fossil fuels and coal which harms health and the environment.
  - b. It reduces land degradation on overworked fields providing a method for recovery.
  - c. It's a renewable clean green energy resource that reduces global warming.
  - d. It doesn't cause nor contribute to pollution in the atmosphere.
7. What is the greatest detriment of solar farms to our township, state, nation?
  - a. It reduces the natural features of the landscape.
  - b. It impacts the drainage of fields on the infrastructure.
  - c. It impacts the natural pathways for wildlife on the ecosystem.
  - d. It impacts the value of homes adjacent to the structures.
8. If Conway Township held informative sessions on solar farm development, would you attend?
  - a. Yes
  - b. No
  - c. Maybe
9. What additional comments would you like to offer?
10. \_\_\_\_\_??

## Wild Life Corridors

**From:** sprague cibplanning.com <sprague@cibplanning.com>

**Sent:** Monday, March 14, 2022 8:32 PM

**To:** PC Chair <PCChair@conwaymi.gov>

**Cc:** Hannah Smith <hsmith@cibplanning.com>

**Subject:** Wild Life Corridors - Solar Report

Please share with the Planning Commission

<https://www.planning.org/pas/memo/2019/sep/>

Justin Sprague

Vice President



**Caledonia Township**  
***Solar Energy Zoning Ordinance Provisions – Public Hearing***

**Article 2 DEFINITIONS**

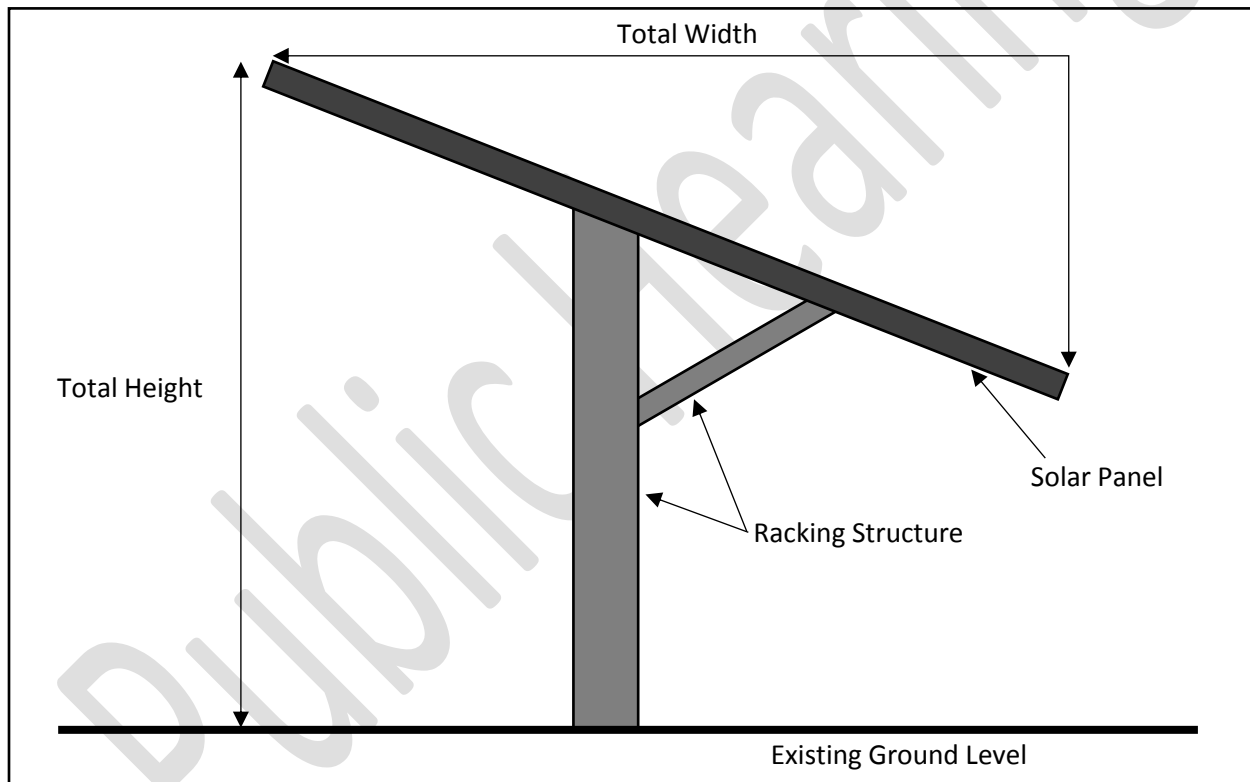
**ON-SITE:** A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

**SOLAR COLLECTOR:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

**SOLAR ENERGY:** Radiant energy (direct, diffuse, and reflected) received from the sun.

**SOLAR ENERGY SYSTEM:** A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

**RACKING:** Racking is any structure or building material used in the mounting of a solar panel. (Figure 1)



**Figure 1**

**BUILDING-MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector that is attached to a structure or building on the parcel of land including solar shingles.

**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. (Figure 1)

**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.

**SOLAR PANEL:** A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

SOLAR SHINGLES: A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

## **Article 9 ZONING DISTRICTS, MAP, AND SCHEDULE OF REGULATION**

### *Sec. 9.5 – A-1 District: Agricultural Production*

#### **9.5.2 Uses Permitted by Right**

- J.1. On-site Building-mounted solar energy collectors
- J.2. On-site Ground mounted solar energy collectors with a does not exceed a ratio per acre 96 square feet of solar energy system area.

#### **9.6.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance**

- MM. Commercial Solar Energy System

### *Sec. 9.6 – A-2 District: Agricultural Production/Rural Residential*

#### **9.6.2 Uses Permitted by Right**

- K.1. On-site Building-mounted solar energy collectors.
- K.2. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area.

#### **9.6.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance**

- FF. Commercial Solar Energy System

### *Sec. 9.7 – R-1A District: One-family Rural Residential*

#### **9.7.2 Uses Permitted by Right**

- C.1. On-site Building-mounted solar energy collectors.
- C.2. On-site Ground mounted solar energy collectors with a total of 96 square feet.

### *Sec. 9.8 – R-1B District: One- family Low Density Residential*

#### **9.8.2 Uses Permitted by Right**

- C.1. On-site Building-mounted solar energy collectors.
- C.2. On-site Ground mounted solar energy collectors with a total of 96 square feet.

### *Sec. 9.9 – R-1C District: One-family Medium Density Residential*

#### **9.9.2 Uses Permitted by Right**

- C.1. On-site Building-mounted solar energy collectors.
- C.2. On-site Ground mounted solar energy collectors with a total of 96 square feet.

### *Sec. 9.10 – R-1D District: Two-Family Residential District*

#### **9.10.2 Uses Permitted by Right**

- C.1. On-site Building-mounted solar energy collectors.
- C.2. On-site Ground mounted solar energy collectors with a total of 96 square feet.

### *Sec. 9.11 – R-M1 District: Multiple Family Residential*

#### **9.11.2 Uses Permitted by Right**

- C.1. On-site Building-mounted solar energy collectors.
- C.2. On-site Ground mounted solar energy collectors with a total of 96 square feet.

### *Sec. 9.12 – R-T District: Mobile Home Development*

9.12.2 Uses Permitted by Right

- F.1. On-site Building-mounted solar energy collectors.
- F.2. On-site Ground mounted solar energy collectors with a total of 96 square feet.

*Sec. 9.13 – O-1 District: Office and Administrative*

9.13.2 Uses Permitted by Right

- J.1. On-site Building-mounted solar energy collectors.
- J.2. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area.

9.13.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance

- I. Commercial Solar Energy System

*Sec. 9.14 – B-1 District: Commercial*

9.14.2 Uses Permitted by Right

- K.1. On-site Building-mounted solar energy collectors.
- K.2. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area.

9.14.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance

- P. Commercial Solar Energy System

*Sec. 9.15 – B-2 District: General Business*

9.15.2 Uses Permitted by Right

- L.1. On-site Building-mounted solar energy collectors.
- L.2. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area.

9.15.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance

- BB. Commercial Solar Energy System

*Sec. 9.16 – B-3 District: Rural Commercial*

9.16.2 Uses Permitted by Right

- R.1. On-site Building-mounted solar energy collectors
- R.2. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area.

9.16.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance

- LL. Commercial Solar Energy System

*Sec. 9.17 – M-1 District: Light Industrial*

9.17.2 Uses Permitted by Right

- R.4.a. On-site Building-mounted solar energy collectors.
- R.4.b. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area.

9.17.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance

- Y. Commercial Solar Energy System

*Sec. 9.18 – M-2 District: Heavy Industrial*

9.18.2 Uses Permitted by Right

- J.1. On-site Building-mounted solar energy collectors.
  - J.2. On-site Ground mounted solar energy collectors does not exceed a ratio per acre 96 square feet of solar energy system area
- 9.18.3 Uses Permitted by Special Use Permit Pursuant to Article 7 of this Ordinance
- H. Commercial Solar Energy System

## **Article 15 DESIGN STANDARDS**

### **Sec. 15.60 Solar Energy Regulation**

- A. All solar energy collectors
  - 1. The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
  - 2. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
  - 3. All panels shall have tempered, non-reflective surfaces.
  - 4. Solar energy equipment shall be repaired, replaced, or remove within three months of becoming nonfunctional.
  - 5. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
  - 6. 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 building inspector prior to installation. Building inspector approval is required.
  - 7. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
- B. Onsite Building-Mounted Solar Energy Collector
  - 1. Solar energy collectors shall be such a weight to be safely supported by the structure. Building inspector approval is required.
  - 2. Solar energy collectors shall be installed on any roof surface of an existing structure.
  - 3. Structure or Building- mounted solar systems shall not exceed the maximum allowed height in any zoning district.
  - 4. Solar energy collectors shall not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
  - 5. Solar energy collectors shall not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.
  - 6. Solar energy collectors may be permitted to be mounted on a sign, but may not exceed 96 square feet.
- C. Onsite Ground-mounted Solar Energy Collector
  - 1. Permitted in the rear and side yards, but not permitted in rear and side yard required setbacks. The Planning Commission can waive to allow in the front yard or required rear and side yard, in which case the Planning Commission shall require buffers from the adjacent property.

2. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
3. Ground-mounted solar energy collectors shall not exceed 9 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
4. The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage.

D. Commercial Solar Energy Collector

1. Commercial solar energy collector systems that have all structures related to the solar energy collector system shall be 50 feet from the property line or right-of-way line.
  - (a) Commercial solar energy collector systems shall be screened from residential dwelling units and/or residential zoning districts by providing either greenbelt with two (2) deciduous canopy trees or one (1) deciduous canopy tree and one (1) evergreen tree and four (4 large) per twenty-five (25) linear feet along the property line, a 5 foot high wall, fence, or berm.
2. The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.
3. Provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
4. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.
5. Power and communication lines to electric substations or interconnections with buildings shall be buried underground.
6. Exception for underground power communication lines:
  - (a) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
  - (b) When required by the utility company.
  - (c) Unless otherwise determined by the Planning Commission.
7. The installation of the solar energy collectors shall not disturb the existing topography or soil.
8. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the municipality equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.

9. Aviation Analysis. If the project is within 2 miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

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Public Hearing

- d. Sound from the QF Power Plant operations as shown by the Sound Pressure Level Study is no greater than 70 dba when measured at the nearest point on the nearest property line of any property located adjacent to the project boundary which is located in a zoning district wherein single-family residential use is permitted as a permitted use. A waiver to said levels may be approved, provided that the following has been accomplished:
  - 1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the QF Power Plant and the noise limitations imposed by this Section, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed.
  - 2) The written consent obtained under paragraph 1, above, shall be in the form of a permanent sound impact easement and shall be recorded in the Livingston County Register of Deeds office. The easement shall describe the benefited and burdened properties and shall advise all subsequent owners of the burdened property that sound levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
- e. The applicant has committed to provide adequate additional training, information, personnel or equipment necessary for local fire response services to effectively respond to an emergency as a result of the operation of the QF Power Plant.
- f. The QF Power Plant otherwise complies with all of the requirements listed in Subsection (1) "Application Requirements" above.

*(Amended Section 16 by adding subsection BBB. Industrial Solar Energy Facilities, April 25, 2019)*

## **BBB. INDUSTRIAL SOLAR ENERGY FACILITIES**

### **Section 1. Purpose & Intent**

The purpose and intent of this ordinance is to establish: 1) Standards for the siting, installation, operation, repair, decommissioning and removal Solar Energy System; 2) As a Special Use Permit for industrial solar energy facilities development in Handy Township; 3) for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities.

Industrial solar energy systems shall be ground mounted arrays of panels and shall be subject to this ordinance.

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts.

A. Definitions. As used in this subsection, the following terms shall have the following definitions:

**Abandonment:** Any facility that is left in a state where it is no longer producing power.

**Building Integrated Photovoltaics (BIVPs):** A private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

**Decommission:** To remove or retire from active service.

**Ground Mounted Private Solar Energy System:** A private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

**Height:** The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

**Industrial Solar Energy Facility:** A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

**Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

**IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**ISO:** International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.

**Non-Participating Parcel:** A property that is not subject to an Industrial Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an Industrial Solar Energy facility.

**Participating Parcel:** A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purpose of developing an Industrial Solar Energy facility.

**Peak:** The extreme top of any structure.

**Planning Commission:** Handy Township Planning Commission

**Private Solar Energy System:** A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

**Roof or Building Mounted Solar Energy System:** A private or industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

**Township:** Handy Township, Livingston County, Michigan

**Township Board:** Handy Township Board

- B. Standards. The Planning Commission shall have the power to grant a Special Use Permit to allow an Industrial Solar Energy Facility in the, “AR” Agricultural Residential District, “RD” Research and Development, “I-1” Prime Industrial, “I-2” General Industrial, subject to the restrictions contained in this Ordinance. This Special Use Permit, if denied by the Planning Commission, may be appealed in the same manner as any Special Land Use Permit.

The following standards will be used when preparing, submitting and reviewing a Special Use Permit application for an Industrial Solar Energy Facility:

1. Avian/Wildlife Analysis.
  - a. The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
  - b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
  - c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan’s Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
  - d. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction

Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

2. Environmental Impact.

- a. The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
- b. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the industrial solar energy facility.

3. Setbacks, Separation and Security.

- a. All fences and improved areas located on the site shall comply with the applicable setback for the district in which it is located. Furthermore, any structures or other improved areas located within the fence shall be at least thirty (30) feet from the fence line.
- b. An Industrial Solar Energy Facility shall be located at least one hundred (100) feet from any residential dwellings, churches, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or any other residence.
- c. An Industrial Solar Energy Facility shall be located at least one hundred (100) feet from any non-participating property line.
- d. All access roads and storage areas shall be established on a thirty three (33) foot minimum easement to a public right of way, which shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year.
- e. All Industrial Solar Energy Facilities shall have a minimum landscape buffer of twenty (20) feet. The buffer shall contain evergreen trees or bushes

planted no more than eight (8) feet apart and be at least four (4) feet tall at time of planting. The buffer shall obtain a height of ten (10) feet within three (3) growing seasons. The trees may be trimmed but no lower than a height of ten (10) feet.

- f. Each owner, operator or maintainer of the Industrial Solar Energy Facility to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of twelve (12) inches.
- g. Site Security. Industrial Solar Energy Facilities shall be surrounded by an eight (8) foot tall chain link fence woven with a green opaque material to restrict the view into the facility. The fence will be designed to restrict unauthorized access. The gate will be the same height and constructed of the same material as the fencing.
- h. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted at all the entrances which shall list the name and phone number of the operator of the facility.
- i. Industrial Solar Energy Facilities shall not be located on parcels of land less than twenty (20) acres in size.

#### 4. Responsibility for Erosion and Flooding.

Any erosion or flooding of property as a result of the construction of Industrial Solar Energy Facility structures or access roads is the responsibility of the developer/owner of the structures.

#### 5. Safety.

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. All access doors to the Industrial Solar Energy Facility and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- c. A sign shall be posted near the entrance to the Industrial Solar Energy Facility that will contain emergency contact information.

- d. The project shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
  - e. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.
6. Complaint Resolution.
- a. The Industrial Solar Energy Facility applicant shall submit a detailed, written complaint resolution process developed by the Industrial Solar Energy Facility applicant to resolve complaints from the Township Board or the property owners or residents concerning the construction or operation of the Industrial Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
  - b. The Township Board shall appoint a three (3) member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the township property owner or resident and the Industrial Solar Energy Facility owner.
  - c. The complaint resolution committee shall consist of one (1) Township Board member, one (1) Planning Commission member, and one (1) qualified elector chosen from the community.
  - d. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint.
  - e. Prior to commencement of operation, the applicant shall deposit with the Township the sum of \$2,500 that shall be held in escrow by the Township that shall be used to reimburse the Township for expenses incurred by the Township in the Complaint resolution process. Such expenses could include, but not be limited to, meeting fees, expert fees, attorney fees and any other costs incurred by the Township regarding the complaint resolution process. Whenever the balance of the escrow drops below \$1,500 the Township shall notify the applicant who shall then be required to deposit sufficient funds with the Township to bring the escrow balance up to the required \$2,500 within fourteen (14) days of notice.

#### C. Application Procedures.

A developer/operator of any Industrial Solar Energy Facility shall follow the following procedures for application for a Special Use Permit to construct an Industrial Solar Energy Facility.

1. Make application for Special Use Permit to the Planning Commission as required in section 16.1. The application shall be accompanied by the required fees and information as requested in this ordinance.
2. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*
3. Procedure: The Planning Commission will review a Special Use Permit application for an Industrial Solar Energy Facility, will hold a public hearing and render a decision, per the procedures for review in Section 16.2. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Industrial Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).

#### D. Application Requirements.

An applicant proposing an Industrial Solar Energy Facility must submit the following materials with the Special Use Permit Application:

1. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Industrial Solar Energy Facility shall also be dated to indicate the date the application is submitted to Handy Township.
2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
3. Insurance: Proof of the applicant's public liability insurance for at least Ten Million dollars (\$10,000,000) to cover the Industrial Solar Energy Facility, the Township, and the Landowner.
4. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate an Industrial Solar Energy Facility on the property prior to construction.
5. Environmental Impact: Copy of the Environmental Impact analysis.

6. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
7. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
8. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
9. Complaint Resolution: Description of the complaint resolution process.
10. Fire Suppression Plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel. Plans shall be kept on-site and accessible for emergency responders.
11. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include the information required in Section 15.1 C.2 as well as the following:
  - a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
  - b. Water bodies, waterways, wetlands, and drainage channels;
  - c. Lighting plan;
  - d. Plan(s) showing the location of proposed Industrial Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
  - e. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction;
  - f. Anticipated construction schedule;
  - g. Description of operations, including anticipated regular and unscheduled maintenance;
  - h. The applicant must also obtain a permit from the Livingston County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the

Livingston County Drain Commission for any culverts or other drainage facilities;

- i. Proof of approval by Livingston County; Road Commission and Drain Commission.
- j. Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;
- k. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Industrial Solar Energy Facility;
- l. The Industrial Solar Energy Facility shall not have any on-site battery storage;
- m. All electrical connection systems and lines from the Industrial Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground both on the property where the Solar Energy Facility is located and off site;
- n. An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Industrial Solar Energy Facility;
- o. A complete description of the proposed technology to include type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;
- p. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
- q. A complete set of photos of the entire development area prior to construction.

#### E. Application Fee.

An applicant for an Industrial Solar Energy Facility shall remit a Land Use Permit application fee, Special Use Permit application fee, a site plan review fee, and required escrow fee to the Township in the amount specified in the fee schedule. This schedule is based on the cost to the Township of the review which may be adjusted from time to time.

An escrow account shall be set up when the applicant applies for a Special Use Permit for an Industrial Solar Energy Facility. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township

Board. These funds are used to cover all reasonable costs and expenses associated with the Special Use Permit and site plan 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 it may have done related to the zoning 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 prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

F. Abandonment and Decommissioning.

1. Abandonment: An Industrial Solar Energy Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned. It is the responsibility of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.
  - a. Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Industrial Solar Energy Facility and restore the site to its condition prior to the development of the facility within six (6) months of notice by the Planning Commission or its designee.
  - b. If the responsible party or parties fail to comply, the landowner is then responsible for removal of the facility.
  - c. If the facility is not removed and the land restored to its prior condition within the six (6) month time period, the Township or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
  - d. Some type of metering system approved by the Planning Commission must be part of the project showing that the system is operational.
2. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to issuance of the zoning permit which shall include:
  - a. The anticipated life of the project;

- b. The estimated decommissioning costs net of salvage value in current dollars;
- c. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. Complete restoration of the property to its original condition prior to the Industrial Solar Energy Facility construction; and
- d. The anticipated manner in which the project will be decommissioned and the site restored.

*(Amended Section 16 by adding subsection CCC Waste Management, Waste Transfer Stations, Processing Facilities. Passed by the Handy Township Board on, November 16, 2020)*

#### CCC. Waste Management, Waste Transfer Stations, and Processing Facilities

- 1. The principal and accessory buildings and storage structures shall not be located within three hundred (300) feet of any residential use or district line.
- 2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
- 3. Any outside storage of machinery shall be so screened to obstruct outside vision from any public road, or adjacent property.
- 4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved, according to Michigan Department of Transportation specification for Industrial parking lots.
- 5. All handling, transfer and processing activities shall be conducted in a manner that minimizes hazards, litter, noise, nuisances and vector impacts; and minimizes human contact with, ingestion, inhalation, odor, and transportation of dust, particulates and pathogenic organisms.
- 6. The operator shall provide fire prevention, protection, and control measures, including, but not limited to, temperature monitoring of waste piles, adequate water supply for fire suppression, and the isolation of potential ignition sources. Fire lanes shall be provided to allow fire control equipment access to all operation areas.

7. An attendant shall be on duty during regular business hours if the operation or facility is open to the public.
8. Hours of Operation shall be Monday – Friday 6:00 AM to 6: PM; Saturday 6:00 AM to 2:00 PM.
9. The operator shall ensure that leachate is controlled to prevent contact with the public or in any way allowed permeation into the soil.
10. The operator shall receive approval of the use from all appropriate agencies including but not limited to the Environmental Protection Agency, State of Michigan, Environment Great Lakes and Energy, and Livingston County.
11. All exposed waste material shall be in a covered structure suitable to the Planning Commission.
12. Minimum lot size of three (3) acres shall be required.

PROPOSED ZONING ORDINANCE AMENDMENTS  
PENDING BEFORE CONWAY TOWNSHIP PLANNING COMMISSION  
April 11, 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	PC to determine	LCPC March 2022 recommendations are for further consideration and to add as a special land use in Sections 7.03 and 8.03
5.	Temporary Land Use- allow 20,000 or less events	Amend Section 6.09	Public Hearing on 2/14/22; LCPC # Z-17-22	Ready to go to the Board	LCPC March 2022 recommendations are for approval
6.	Large/Small Venue Events			Considering regulations with Planner	
7.	Solar Farms			Considering regulations with Planner	



# Livingston County Department of Planning

## MEMORANDUM

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

**FROM:** Robert Stanford, Principal Planner

**DATE:** March 1, 2022

**SUBJECT:** Z-17-22 Amendments to Zoning Ordinance Article -  
  
Article 6: *General and Supplemental Regulations*  
Section 6.09(A)(8): *Temporary Uses and Buildings*

Kathleen J. Kline-Hudson  
AICP, PEM  
Director

Robert A. Stanford  
AICP, PEM  
Principal Planner

Scott Barb  
PEM  
Principal Planner

The Conway Township Planning Commission proposes to amend the provisions of Section 6.09(A)(8) pertaining to Temporary Land Use Permits for agricultural tourism entertainment events.

Proposed additions to existing text are noted in red underline, deletions in ~~strike through~~, and staff comments are noted in **bold, italic underline**.

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### Section 6.09 Temporary Uses and Buildings

All temporary uses and buildings permitted by this Section are allowed in all districts unless otherwise provided. Such uses and buildings shall be authorized by a temporary land use permit issued by the Zoning Administrator unless otherwise provided.

**A. Temporary Uses and Buildings for Non-Dwelling Purposes.** Temporary uses and buildings not to be used for dwelling purposes may be placed on a lot or parcel of record and occupied only under the following conditions.

#### 8. Agricultural Tourism.

- a. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs are permitted by right. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure. The following additional agricultural uses shall be permitted:

#### Department Information

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

●  
(517) 546-7555  
Fax (517) 552-2347

●  
Web Site  
[co.livingston.mi.us](http://co.livingston.mi.us)



- (1) Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
- (2) Direct marketing of produce in a farm market or on-farm market provided that any building, or combination of buildings used for such purposes contain a total of not more than 2,500 square feet. A temporary roadside stand that does not qualify as a farm market or on-farm market shall be permitted as a temporary use provided it complies with all regulations set forth in Section 6.09(A)(4).
- (3) Seasonal U-pick fruits and vegetables operations.
- (4) Food sales/processing, processing any fruits/produce.
- (5) Uses 2 through 4 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as a temporary land use permit is obtained, **and** the general agricultural character of the farm is maintained. ~~and the income from these ancillary activities represents less than 50 percent of the gross receipts from the farm.~~
  - i. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years, provided that the premises is otherwise compliant with state law.
  - ii. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
  - iii. Value-added agricultural products or activities such as education tours or tours of processing facilities.
  - iv. Bakeries selling baked goods containing produce grown primarily on site.
  - v. Playgrounds or equipment typical of a school playground, such as slides and swings (not including motorized vehicles or rides).
  - vi. Petting farms, animal display, and pony rides.



- vii. ~~Small-scale~~ **E**ntertainment **events** (e.g., music concert, car show, art fair), family-oriented animated barns (e.g., fun houses, haunted houses or similar) and small mechanical rides **attracting no greater than 20,000 attendees per event.**
- viii. Wagon, sleigh and hayrides.
- ix. Nature trails.
- x. Open air or covered picnic area with restrooms.
- xi. Educational classes, lectures, seminars.
- xii. Historical agricultural exhibits.
- xiii. Gift shops for the sale of agricultural products and agriculturally related products.
- xiv. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales

**STAFF COMMENT: According to township legal counsel, the Planning Commission plans on a more comprehensive approach to these activities, with regulations for small vs larger scale events, and will work with its planners to develop this language. However, drafting these provisions will take time. The Township understands that there looks to be possibly another request from the Luke Bryan management team in the coming weeks/months for another concert in 2022. The Zoning Administrator asked for the PC to do a quick revision to the ordinance by deleting the "small scale" language in the temporary use section so that an approval of this concert, which last year sold up to 20,000 tickets, would be objectively permissible under this section of the ordinance.**

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**Township Recommendation: Approval.** The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 14, 2022. There were no public comments noted in the minutes.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate. The proposed revisions represent a good proactive regulatory response to a unique and challenging land use activity in the township.



# Livingston County Department of Planning

## MEMORANDUM

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

**FROM:** Robert Stanford, Principal Planner

**DATE:** March 1, 2022

**SUBJECT:** Z-18-22 Amendments to Zoning Ordinance Article -  
  
Article 6: *General and Supplemental Regulations*  
Section 6.27: *Accessory Dwelling Units (ADUs)*

Kathleen J. Kline-Hudson  
AICP, PEM  
Director

Robert A. Stanford  
AICP, PEM  
Principal Planner

Scott Barb  
PEM  
Principal Planner

The Conway Township Planning Commission proposes a completely new set of regulations for the Township Zoning Ordinance, as Section 6.27, to allow detached accessory dwelling units in the AR and R districts.

Proposed additions to existing text are noted in red underline, deletions in ~~strike through~~, and staff comments are noted in **bold, italic underline**.

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### Section 6.27 Accessory Dwelling Unit

**A. Purpose and Intent.** It is the intent of this section to permit detached Accessory Dwelling Units (ADUs) upon single family properties with an existing primary dwelling in the AR and R Districts to allow homeowners to have a supplemental source of income with a long-term tenant as well as other nontangible benefits to older residents such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for young and old households as well as a way for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary to ensure compatible and harmonious use in Conway Township. Where contradictions with Article 2, definition(s) of dwelling, exist, the provisions hereunder shall apply, however the Michigan Residential Building Code shall remain applicable.

### **B. Regulations.**

- The principal dwelling or the ADU must be declared the main residence of the owner of record.
- An ADU may only be established on a lot with a single-family dwelling on it in a building that is separate and detached from the principal dwelling.

#### Department Information

Administration Building  
304 E. Grand River Avenue  
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Z-18-22: Conway Township  
New Amendment to Article 6:  
Section 6.27 Accessory Dwelling Units (ADUs)  
Page 2

3. The ADU shall not be greater than forty (40) percent of the gross floor area of the principal dwelling structure or 1,000 square feet; whichever is less.
4. The number of off-street parking spaces for the ADU shall be not less than one (1) and shall not block the required parking for the primary dwelling.
5. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the primary dwelling.
6. No more than two (2) bedrooms may be provided in the ADU.
7. The occupancy of the ADU shall not be more than two (2) persons.
8. ADUs and the principal dwelling must be connected to sewer if available. If public water and sewer are not available, the use of private water and septic systems for the ADU shall be subject to the approval of the Livingston County Health Department. The ADU shall comply with all applicable housing, building, fire, and health code requirements.
9. The primary dwelling and the ADU shall share the same vehicular access to the property.
10. All zoning district bulk and setback requirements shall apply to the site.
11. Mobile homes, shipping containers and trailers on wheels shall not be considered or used as an ADU for purposes of the section.

**C. Approval Procedure.**

1. ADUs shall require a land use permit from the Zoning Administrator.
2. The applicant shall submit a plan with the following information for review to the Zoning Administrator.
  - a. The location of the proposed ADU, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, water, sewer, and septic connections, location of structures on adjacent lots, abutting streets, driveways, and parking areas.
  - b. Any additional information required by the Ordinance or the Zoning Administrator.
3. The Planning Commission may waive one or more of the regulations of this Section upon consideration of the following factors:



- a. The topography and/or wooded nature of the subject property and how it reduces the visibility of or screens from view the detached ADU.
  - b. A unique design is proposed preventing or reducing the ability to comply with specific standards and regulations provided in Section 6.27.
  - c. Existing principal and accessory buildings on the subject property, or nearby properties, would support a waiver.
- 

**STAFF COMMENT:**

**Excerpt from American Planning Association PAS (Planning Advisory Service) Quicknotes 19 pertaining to ADUs:**

*The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.*

*ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.*

Link to document:

<https://planning-org-uploaded-media.s3.amazonaws.com/document/PASQuickNotes19.pdf>

**A couple of outstanding issues brought out from this document that the township may want to consider before final approval of the proposed regulations:**

1. **Form of Ownership. Should the township's ordinance prohibit converting the ADU unit into a condominium?**
2. **Preexisting, nonconforming ADUs. How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?**



**Additional helpful information is available through the American Planning Association (APA) regarding the regulation of ADUs if township officials would like to research the topic further. According to the APA:**

*In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. Entitled "Accessory Dwelling Units: Model State Act and Model Local Ordinance", the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.*

*"The Model Local Ordinance" suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. "The Model State Act" provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize Planning fundamentals for public officials and engaged citizens.*

Link to document: <https://www.planning.org/knowledgebase/resource/9123024/>

**Finally, for consistency and continuity purposes, County Planning Staff would recommend that new listings also be added to Sections 7.03(A) and 8.03(A) to list ADUs as allowed as special uses in the AR and R Districts, and include reference to this section, such as:**

### **EXAMPLES:**

#### **Section 7.03 Special Uses**

21. Commercial Solar Energy System (See Section 6.26).

22. Accessory Dwelling Units (see Section 6.27).

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#### **Section 8.03 Special Uses**

12. Ground-Mounted Solar Energy Collector (See Section 6.26).

22. Accessory Dwelling Units (see Section 6.27).

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**Township Recommendation: Approval.** The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 14, 2022. There were no public comments noted in the minutes.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate. The township has done the right thing by proactively amending the zoning ordinance to allow for ADUs.