

**CONWAY TOWNSHP**  
**SOLAR ENERGY ZONING ORDINANCE AMENDMENT & DEVELOPMENT PROCESS**  
**November 1, 2022**

The purpose of this document is to provide information about the proposed solar ordinance amendment in Conway Township – including the current status of the language and the process/next steps that it will follow. Additionally, it provides information about the process that a proposed solar development would follow if the solar ordinance amendment is adopted. Comprehensive information pertaining to the procedure of Zoning Ordinance amendments, as well as special land use and site plan review, can be found in the Conway Township Zoning Ordinance in *Article 4. Amendments; Article 13. Special Land Uses; Article 14. Site Plan Review.*

**1. Status of the Proposed Amendment**

Since early 2022, the Conway Township Planning Commission has been working on amendments to the Zoning Ordinance to provide for more comprehensive regulation of solar energy systems in the Township, with particular focus on large/utility-scale solar energy developments. At its October 10, 2022, meeting, the Planning Commission scheduled a public hearing for the draft solar ordinance amendments to be held at the November 14, 2022, Planning Commission meeting. The public hearing notice, as well as the draft language, can be found on the website at [www.conwaymi.gov](http://www.conwaymi.gov) or is available for viewing at the Township Hall, 8015 N. Fowlerville Road, Fowlerville, MI 48836, during normal Township office hours. It should be noted that this is the beginning step of the process – nothing has yet been voted on or passed up to this point. There are several steps in the process before the ordinance amendment can be approved, and the language is subject to change as it moves through the different bodies that participate in the review process.

**2. Background– the Township’s Current Regulation of Utility-Scale Solar Energy Systems**

Large utility-scale solar energy systems, referred to in the Zoning Ordinance currently as “commercial solar energy systems,” are already permitted in Conway Township. The Zoning Ordinance allows for these developments as special land uses in the AR Agricultural Residential, C Commercial, and I Industrial zoning districts. In Section 6.26(F), the current Zoning Ordinance includes standards that a utility-scale solar development would have to meet, including height restriction, setback requirements, fencing requirements, and Fire Chief approval. The Township has put a moratorium in place on all commercial or utility-scale solar energy systems applications to allow the Township time to consider more comprehensive regulations of this type of use than are currently in place.

**3. What is the Proposed Amendment and why is the Township considering it?**

The purpose of the proposed language is to build upon the current standards, require additional standards that utility-scale solar developments would have to meet, and through these requirements, provide additional protections for the community. In addition to setback, height, fencing requirements, and Fire Chief approval, the proposed amendment regulates sound and lighting; requires enhanced screening of the development; requires setback from wetlands; requires wildlife corridors; prioritizes agricultural preservation in development design; requires drainage patterns be maintained and restored; requires beneficial groundcover be planted underneath solar arrays; prohibits battery storage systems on site; ensures frequently updated plans are in place for proper project decommissioning and that those plans

are funded with financial guaranties; requires as-built drawings; provides for annual reporting, insurance, indemnity, and maintenance and repair obligations; mandates approval of Department of Environment, Great Lakes, and Energy (EGLE), Livingston County Drain Commissioner, Livingston County Road Commission, Livingston County Health Department, Federal Aviation Administration (if applicable), Livingston County Building Department and Tax Assessor; permits the Planning Commission to require a visual impact assessment, environmental analysis, stormwater study, and glare study; among other standards. The proposed regulations, which are approximately 9 pages in length, would replace the current regulations, which are approximately 3 pages in length, in Zoning Ordinance Section 6.26.

#### **4. Public Hearing set for November 14, 2022, at 7 pm.**

At the November 14, 2022, Planning Commission meeting, the Planning Commission will hold a public hearing on the proposed amendments. This is an opportunity for members of the public to comment on the draft and share any feedback they have with the Planning Commission. The purpose of this public hearing is for the Township to receive comments on the proposed ordinance language – no specific projects have been applied for or are being considered.

#### **5. What are the next steps after the Public Hearing?**

After the Planning Commission holds the public hearing, the Planning Commission will have a discussion and likely make a recommendation on the proposed amendment to the Township Board. The Planning Commission may make additional changes to the proposed language prior to making a recommendation. The draft amendment and the Planning Commission's recommendation will then be sent to the Livingston County Planning Commission for their review. The Livingston County Planning Commission will review the proposed change and also make a recommendation to the Township Board. Following this review, the recommendations of both the Township Planning Commission and the Livingston County Planning Commission will go to the Township Board. The Township Board will consider the language and can modify or revise the proposed text. The Township Board has the final decision on whether the Zoning Ordinance will be amended as proposed. If the Township Board approves the proposed revisions, the amendment text will be adopted and the Zoning Ordinance formally amended.

#### **6. If the Township Board approves the Proposed Amendment, will a utility-scale solar energy system be built in the Township?**

Not necessarily. While the proposed amendment puts in place new regulations for a possible future utility-scale solar energy system, for a project to actually be built, an application would have to be filed for special land use and site plan approval. There would be several more public hearings and meetings. The project would be reviewed by the Zoning Administrator, Planning Commission, Township Engineer, Township Attorney, Department of Environment, Great Lakes, and Energy (EGLE), Livingston County Drain Commissioner, Livingston County Road Commission, Livingston County Health Department, Federal Aviation Administration (if applicable), Livingston County Building Department and Tax Assessor, and the Fire Chief. Upon recommendations from these reviewing bodies, and input from the public as to the particulars of the project, the Planning Commission would make a decision on whether the project complies with Township regulations. If the project complies, the project would be approved. If the Planning Commission determines the project does not comply, then project would not be approved.

#### **7. Will the Township Board prohibit utility-scale solar energy systems in Conway Township if the Township Board votes not to adopt the Proposed Amendment?**

No. If the Township Board votes not to adopt the proposed amendment, the moratorium the Township has put on applications for commercial solar energy systems will end and commercial solar energy systems under the existing regulations of Section 6.26(F) will be permitted. The Township will be required to accept an application presented and to review that application based on existing special land use and site plan standards in the Zoning Ordinance.

**8. Could the Township to prohibit utility-scale solar energy systems?**

Based on current conditions in the area, the Township has been advised its best approach is to continue to allow utility-scale solar energy systems but control where the use can be located and impose additional and reasonable regulations to eliminate or minimize any impact. Totally prohibiting the use altogether where there is a demonstrated need would violate the Michigan Zoning Enabling Act, MCL 125.3207, and open the Township up to legal action and exclusionary zoning claims. If such a challenge were successful, the Township would likely lose the opportunity to control the location and impose regulations that protect the public.

**9. How would the Township go about prohibiting the use if it chose to do so anyway?**

If the Township wanted to prohibit utility-scale solar energy systems, it would have to (1) vote down the proposed amendment and (2) amend the current Zoning Ordinance to disallow commercial solar energy systems. This process would likely take 4-6 months. Any application that was presented prior to another amendment taking effect prohibiting the use would be required to be accepted and reviewed by the Township in accordance with current Section 6.26(F) and other applicable provisions. If those more minimal criteria were met, the Township would have to approve the commercial solar energy system use.

**10. How can I submit my comments and concerns to the Township?**

Members of the public may submit comments in writing to the Township Clerk at the Township Hall, located at 8015 N. Fowlerville Road, Fowlerville, MI 48836, or by email to [clerk@conwaytownship.com](mailto:clerk@conwaytownship.com) at any time. In person comments may be directed to the Township Planning Commission or Township Board at any meeting. In addition to the scheduled public hearing, each public meeting reserves two periods for public comment. Any future proposed project will have one or more public hearings with specific time dedicated for public input on the particular aspects of a project.