



Conway Township Planning Commission Meeting Minutes
 Monday, March 13th, 2023 | 7:01pm EST
 Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, MI 48836

Agenda	Items Discussed	Actions to be Taken
Attendees	PC Members Present: Jeff Klein, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio, Shawn Morrison, Lucas Curd, Absent- Kayla Poissant Zoning Administrator – Gary Klein Livingston County Planning Commissioner: Dennis Bowdoin Township Attorney: Michael D. Homier, Absent-Abby Cooper, JD	None
Call to Order/Pledge	Chair, M. Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:01pm and led the Pledge of Allegiance.	None
Approval of Agenda	Motion to accept the meeting agenda as amended for March 13 th , 2023. Motion by D. Whitt. Support L. Curd. Motion approved.	Motion Approved
Approval of February 13th, 2023 Minutes	Motion to accept meeting minutes from February 13 th , 2023. Motion by L. Curd. Support by S. Morrison. Motion approved.	Motion Approved
Call to the Public	Sarah Porter- Sober Rd.- She stated that she has reviewed the proposed amendments, including other proposal for other townships written by Mr. Homier. She states that this proposal is missing certain language that are included in other proposal, and specifically calls out the setback changes of 1000ft to 200ft. She is concerned with the overall language of the proposal, and how it is written. She says that although there are some areas that have safe guards in place, she noted 21 sections that she has concerns on. She is submitting other proposals with additional language she believes should be added to the Conway proposal.	None

Steve Smith- Robb Rd.- He stated that he agrees with Mrs. Porter and that there are some missing points he is concerned with, one being the setbacks. He states that any setback of 100ft is unacceptable, and that the past proposal included no batteries and this one does not include that. He would like to know where the overlay would be possibly located so that there is a better understanding.

Jim Dannemiller- Chase Lake Rd.- He stated that he has some concerns with the proposal about battery storage, then on page 10 section 9 he suggested that a statement should be made that the applicant be responsible for any fees incurred, page 11 section 4 he suggested an increase of setbacks, and better screening language details.

Jason Simmons- Herrington Rd- He stated that the setbacks were already corrected by the Township Board awhile ago and were back at the 1000ft. He mentioned the screening part where trees are about 25ft apart which would not cover much. He also addressed that the proposal references a map, and that no map was included.

Mike Brown- Sober Rd.- He stated he has concerns with the proposal including Page 8 section J regarding decommissioning and returning the parcels back to what condition. He believes it should be more specific. He mentioned section I complaints/issues should have a specific fine and explaining what the fees and steps will be if violated. On page 9 regarding hazmat and the section involving land clearing, he states that it references a plan and should be more specific. He believes setbacks need to be increased, and on page 12 landscaping references 6.16 of the Zoning Ordinances which he believes needs to be clarified and investigated. He is also believes that surety bonds of 125% is not appropriate especially if the company goes bankrupt the bond would be worth nothing. He said that Marion Township had a 100% cash decommissioning bond.

Mary T. RaTelle- Gannon Rd.- She stated that she agrees that the setbacks need to be increased as other speakers have said, and that the 100ft residential setback is not fair to anyone. She is worried about the 50ft setback of wetlands, the noise times listed are different in a couple of different sections, the fire suppression system she

believes should be inspected by a 3rd party, as well as soil testing should be done before decommissioning and filling. She also believes there should be addition fines added to violations sections.

Yvonne Black- Marion Township- She stated that with demonstrated need there is no demonstrated need in Livingston county, that there is only a desire for solar. She believes that it would be a demonstrated if DTE stated that they are going to pull out of the area in five years. She stated that the because of the Governor's changes to P.A. 116 this is causing all of the problems, and that the Governor did not have a right to make those changes.

Steve Weiss- Sober Rd.- He stated that he has some concerns regarding the proposal, and that it needs to be more thought out than it is. He states that the proposal does not mention anything about wind power, and it needs to be addressed. He said he went on a tour of Ranger Power solar site, and he said it was not well designed. He is concerned about wind storms and how they affect the solar farms, and mentioned he did not understand the setback change. He does not agree with the proposal as it stands right now.

Joann Haas- Flemming Rd.- She stated that she believes that if the Township fulfills their obligation of renewable energy with solar energy, that all other forms of renewable energy need to be not allowed.

Richard Allen- Antrim Township- He stated that he has looked at a lot of solar energy proposals, and that this particular proposal does not address the concerns at hand. He is concerned with the vagueness of the proposal, and the lack of concern being next to residential homes. He is asking for better clarity and to get it right.

Megan Beach- 9020 Eva Lane- She stated that she is concerned about the overlay, and where it is going to be located. She would like more information so that she can give better feedback. She is concerned about the setbacks and about the ground cover section. She is also concerned about the once every three-year review.

Scott Brown- 9000 Sober Rd.- He stated that he is a firefighter, and is concerned about when a fire occurs on

	<p>one of the solar farms. He said that he is concerned about the toxic plumes coming from the fire burning the plastic and components of the solar panels. He stated that the suppression systems will be exposed to the elements, and that will cause additional complications. He is also worried about the fire getting out of control, and affecting nearby residents, and about the firefighters responding to the fire and their safety.</p>	
Communications	<p>a. Zoning Administrator Report: G. Klein stated that there was one land-use permit for a house last month.</p> <p>b. Livingston County Planning Commission Report: M. Swain-Kuch stated that the LCPC made one recommendation regarding 6.07 Pertaining to Yards, and then passed it along to the Township Board. The recommendation is regarding seasonal pools or temporary pools will not be required to obtain a certain if the does not exceed 24 inches from grade level.</p>	<p>None</p> <p>None</p>
Old Business	None at this time.	None
New Business	<p>a. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District, and replacement of existing Section 6.26 regarding Solar Energy Systems.</p> <p>M. Swain-Kuch stated that the Planning Commission is not voting on this yet, and will be discussing and reviewing the overlay proposal draft given to the PC by Mr. Homier. Mr. Homier stated that this is a working draft, and that the PC could hold workshops going forward with the committee. He stated that the setbacks could be different based on where and how large the overlay district will be. He also mentioned that all of the requirements are in the draft as specific elements, but are substantive requirements that are to be provided during applications. G. Pushies brought up that he believes that the public is concerns about the general language of the draft, and the issues that could come with non-specific language. Mr. Homier said that as the process proceeds and gets worked on, that specifics can be added. Mr. Homier stated that with the demonstrated need comes in if there was a complete ban of the solar energy, but due to the allowance of the use</p>	None

	<p>demonstrated need does not come into play legally. He stated that prohibiting the use has risk because a judge could over rule that, and sets the standards. An ordinance would still allow the use, and allow standards and requirements to be fulfilled by the developer. G. Pushies asked about the location of the possible location of the overlay district. Mr. Homier stated that as the proposal is worked on, a location could be better pinpointed. Mr. Homier said that looking at an overhead map will help better find a good location for the overlay. M. Swain-Kuch stated that this is not just looking at utility scale facilities, but solar overall, and to investigate past recommendations to better this proposal over the next month. G. Pushies asked about whether after the month review and possible second draft if then a meeting could be held with the solar committee. He asked for an open meeting/special meeting with the solar committee. D. Whitt asked about when it would be appropriate to meet with the solar committee and to meet with them after a possible location of the overlay is determined. Mr. Homier stated that he has a projector to make live adjustments as the open meeting progresses. He said at least after the next month and work is done on the proposal would be the best time to meet. Mr. Homier stated that from here, the changes will be red lined so that everyone can see the before and after of all of the changes made to the proposal. Mr. Homier said that he can probably have a revised draft available to the PC before spring break in March. Mr. Homier clarified that the agenda for the special meeting can list a discussion with the solar committee so that the three-minute limitation does not apply. S. Morrison asked about why not to use a percentage usage versus an overly approach. Mr. Homier stated that with an overlay approach, it allows the Township to direct a specific location whether than have it everywhere. S. Morrison stated that this approach may offend some of the farmers that do want to participate in solar farming, and that a percentage would allow them to participate. Mr. Homier said that it could be tricky and that the nature of zoning is that not everyone is going</p>	
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	<p>to be happy with all parts of it. S. Morrison mentioned about making sure that the overlay is over an area that wants to participate in solar farming. Mr. Homier replied that it is not required to make sure the property owners are interested. G. Pushies asked about restoration and putting it back to the way the land was before the project. Mr. Homier replied that it was possible to add in more language about restoration, especially after the overlay district location is found. G. Pushies asked about drain issues and who oversees it. Mr. Homier replied that there is some language in the proposal that drains are to remain intact, but that the drain commissioner is the head authority. G. Pushies asked about the storage of defective panels on site and whether there can be something placed into the proposal. Mr. Homier stated yes, and that it was not an issue to add it. J. Klein mentioned that the last proposal had no battery storage onsite, and that it should be removed from the proposal. The other PC members agreed to have it removed completely in this proposal, and to also add that no batteries would be allow at all on utility scale projects. S. Morrison asked about whether there was a standard for screening that has worked in the past. Mr. Homier replied that he would investigate it. M. Swain-Kuch stated that the PC originally wanted the double or triple rows of screening, and that it was to be always maintained. M. Swain-Kuch said that the PC can now review the proposal carefully over the next month and present recommendations for changes. Sarah Porter made a comment from the public stating that she worked about 12 hours and made a lot of the connections from Mr. Homier’s other proposals as well as the previous PC recommendation. She is giving the PC that work.</p> <p>b. Containers (shipping)</p> <p>G. Klein stated that he has received several requests to use shipping containers as houses and other uses over the last couple of months, and said that there is nothing in our ordinances regarding this. G. Pushies asked about whether there was any</p>	<p>None</p>
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	<p>regulations on the county level. G. Klein stated that he didn't know at this time. He said that there has been one request to build a house out of one, and one for an addition to an existing house. It was discussed that these shipping containers can come prefabricated, and ready to use. It was discussed whether they should be allowed at all or whether a well written ordinance should suffice, and that research will now need to be done on the subject to proceed.</p>	
Commission Discussion	No Commission Discussion at this time.	None
Last Call to the Public	<p>Mike Brown- Sober Rd.- He stated that he would like to see screening around the inverters or coverage to not be able to see them. He also brought up about G. Pushies mentioning the open meeting with the solar committee, and that he would like the committee on the agenda so that the three-minute rule did not apply and longer discussions could be had.</p> <p>Yvonne Black- Marion Township- She said that the solar is voluntary and that there is no mandate forcing the Township to allow it. She also stated that Mr. Homier is misrepresenting the demonstrated need by acreage of the Township, and that it does not match the Supreme Court ruling. She said that making an ordinance is allowing more developers to come in which would open the Township up to a lawsuit.</p> <p>Mr. Homier stated that he has represented numerous townships over 25 years, and that the state is delegating solar oversight to the townships. Mr. Homier said that he is not saying that there is or is not a demonstrated need, and what he is proposing is to minimize the risks of a judge overturns it. He said that zoning is permissive, so that by not saying anything about a particular subject it allows it to happen. The Zoning Enabling Act says that no township is allowed to completely ban a land use, and that by zoning for it, it can not be banned. M. Swain-Kuch asked Mr. Homier about the wind power ordinances and when the PC can see those. Mr. Homier replied that he has some drafts that can be sent out.</p> <p>Tom Parker- 7000 Hayner Rd.- He stated that he heard a PC member comment about playing to their base, and thought it was unprofessional, and that opinions should</p>	None

	<p>not be involved about whether someone wants something or not.</p> <p>Female Public Commentor- Did not sign-in- She stated that she is concerned about her opinions being heard by just the solar committee, and that she does not want to be excluded from the meeting with the committee.</p> <p>PC Members (multiple) confirmed that she would not be excluded, and that the committee being on the agenda allowed for a more open discussion.</p> <p>Steve Smith- Robb Rd.- He stated that this whole situation has been a long road, and that he attended the LCPC meeting last month. He stated that he liked that fact they asked for public comment on each line item on the agenda, and he suggested that at the solar committee meeting to go line by line and allow public comments through-out. He said that the public is hurt and angry, and just wants to work with the PC to do a good job on this issue.</p> <p>Sarah Porter- Sober Rd.- She stated that this has been a long road, and that attitudes need to be put aside, and to work together to solve the issue at hand.</p> <p>Mary RaTelle- Gannon Rd.- She stated that she saw in another proposal that the power company involved would provide training to the first responders involved in that area, and said to be careful on promises like this. She also said that if there happens to be two locations for the overlay, to choose the location away from wetlands to protect the local wildlife. She also stated that with regards to wind power, there are millions of birds being killed by the turbines.</p> <p>Doug Chuafe- Marsh Rd.- He asked Mr. Homier about the load demand in megawatts from the utility company and the amount. Mr. Homier replied that he did not know the amount at this time. Mr. Homier explained what an overlay district is for Mr. Chuafe stating that is was a smaller area layered over a larger area where certain land-uses would be allowed inside it per the ordinances. Mr. Chuafe also said the language in the ordinance is important as well so that it is clear and can not be manipulated.</p>	
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	<p>Cathy D.- Marion Township- She stated that her township did rewrite their ordinances about screening, and did address the inverters. She also said that if a land owner did go into solar they were also responsible equally with the developer, and this was in Marion Townships ordinance.</p> <p>Mr. Homier stated that he can investigate liability for Conway Township. Multiple PC members agreed that this should be investigated, and placed into the ordinance. S. Morrison asked about guaranteeing a tax revenue upon approval. Mr. Homier stated this was not possible to do as a condition of approval.</p> <p>Andy Weiss- Sober Rd.- He stated he is more concerned about large scale solar versus than a couple of panels on a neighbors yard. He is concerned about the shipping containers with a lot of residents already having a lot of stuff in their yards.</p> <p>Steven Weiss- Sober Rd.- He stated that after his tour of a solar farm, the setbacks were so far back that you would not know it was even there. He stated that if it is done correctly, then it should not affect property values.</p> <p>Paul Funk- Osceola Township- He stated that he has some concerns regarding solar, and does have planning experience. He stated that planning and zoning can make our lives better, and that the township has the authority to put in safe guards to protect the residents and wildlife. He also mentioned adding filtrations and strict screening can be added to help the situation, and mentioned road studies and drain studies. He stated that there is a concern for fire safety, and that precautions should be made including bonding and training.</p>	
Adjournment	Motion to adjourn at 9:07pm. Motion by D. Whitt. Support by S. Morrison. Motion approved.	Motion Approved

Respectfully Submitted:

Kayla Poissant

Kayla Poissant,
PC Secretary

Approved:

Meghan Swain-Kuch,
PC Chair