



## Conway Township Planning Commission

Monday, June 8, 2026 | 7:00pm

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

1. **CALL TO ORDER / PLEDGE**
2. **ROLL CALL**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF PLANNING COMMISSION MEETING June 8, 2026 AGENDA**
5. **APPROVAL OF THE May 11, 2026 MEETING MINUTES**
6. **COMMUNICATIONS**
  - a. Zoning Administrator's Report - No Report from Russ yet
  - b. Livingston County Planning Commission Update/Report - Dennis
  - c. Update from the last board meeting – No email sent yet
7. **OLD BUSINESS**
  - a. Master Plan - Resolution
  - b. Airport Special Use Permit - Discussion
  - c. Cryptocurrency Data Mining Facilities and Data Centers
  - d. Essential Services Ordinance
8. **NEW BUSINESS**
  - a.
  - b.
9. **PLANNING COMMISSION MEMBER DISCUSSION**
10. **2<sup>nd</sup> CALL TO THE PUBLIC**
11. **ADJOURNMENT**

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

***Next Meeting will be Monday, July 13, 2026***



**Conway Township Board of Trustees**  
**Regular Board Meeting Minutes**  
**May 20th, 2026, at 7:00pm.**

Meeting called to order at 7:00pm by Supervisor Bonnie Flanery with the Pledge of Allegiance.

**ROLL CALL:** Present: B. Flanery (Supervisor); T. Foote (Clerk); D. Grubb (Treasurer);  
 G. Pushies (Trustee); S. Porter (Trustee)

	<b>AGENDA</b>	<b>ACTIONS TAKEN</b>	<b>ITEMS DISCUSSED</b>
1	Consent Agenda	Motion to approve Consent Agenda as amended by T. Foote. Second by G. Pushies. Motion carried 5-0.	<ul style="list-style-type: none"> <li>• Add March Budget Report to #5</li> <li>• A minor change was requested for the previous meeting's minutes regarding the "call to the public" discussion, clarifying that the suggestion was to remove agenda items from the public call, not to have a single open call.</li> <li>• A discrepancy was noted in the budget report concerning the new zoning administrator account. The wages were incorrectly categorized under the planning commission instead of the new account number. It was explained this was due to the new GL number being implemented recently and that the funds would be moved correctly after consulting with the accountant and payroll.</li> <li>• Several budget line items appeared to be pacing high for the year. The software budget has used 88% in one month, which was attributed to an incorrect GL number that will be corrected. The utilities line item was at 33% for one month, and the elections budget was at 60%. These will be investigated and will correct any GL numbers for these items or moved to previous budget for 2025 if needed.</li> </ul>
	Additions/ Approval of Board Meeting Agenda	Motion to approve the May 20 <sup>th</sup> agenda as amended by S. Porter. Second by D. Grubb. Motion carried 5-0.	<ul style="list-style-type: none"> <li>• Add Moratorium Ordinance to #16</li> </ul>
	Call to the Public		One member of the public spoke.



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5	County Planning Commission Report		<ul style="list-style-type: none"> <li>Dennis was not present at first as he was at the County Planning Commission Meeting.</li> <li>Report was given later in the meeting about a Notice of a Brown Bag luncheon in June for the MSU Extension Land Division Act and several TXT amendments that were approved.</li> </ul>
6	Planning Commission Ex-Officio Report		<ul style="list-style-type: none"> <li>No action on Master Plan and Airport Camping was tabled for further review.</li> </ul>
7	Treasurer's Update		<ul style="list-style-type: none"> <li>The Treasurer proposed purchasing a counterfeit bill checker and counter, as the township receives a significant amount of cash for taxes and permits. It was noted that other townships have been receiving counterfeit money and the current pen markers are not 100%.</li> <li>Michigan Class will be making a presentation at a future board meeting.</li> </ul>
8	Fire Board Update-AED		<ul style="list-style-type: none"> <li>The authority reviewed its budget and will potentially adopt it on May 26, 2026.</li> <li>A new 911 tower for Livingston County will be installed on the fire department's property on the east side in the back. This is part of a major county-wide system upgrade.</li> <li>The fire authority liaison suggested the township should have an AED machine in the hall. Board raised concerns about liability if the machine is used improperly or is non-functional when needed. The board agreed to check with their attorney and insurance company regarding liability before purchasing.</li> </ul>
9	Clerks Update		<ul style="list-style-type: none"> <li>New GL numbers have been added and implemented for the new budget.</li> </ul>



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			<ul style="list-style-type: none"> <li>• The groundhog has been evicted and relocated due to wreaking havoc on one of the Township Cemeteries.</li> <li>• Any damaged headstones will be fixed by the monument company and be presented at next board meeting.</li> </ul>
10	Supervisor Update	<p>Motion to approve Jeff Judd to conduct a one-time illegal trash dumping roadside service not to exceed \$700 by S. Porter.</p> <p>Second by G. Pushies.</p> <p>Motion carried 5-0 in roll call vote:</p> <p>T. Foote- Y  D. Grubb- Y  G. Pushies- Y  S. Porter- Y  B. Flanery- Y</p>	<ul style="list-style-type: none"> <li>• The township's millage is up for renewal, and they will contact an attorney to draft the ballot language, which must be submitted by August 11 for the November ballot.</li> <li>• The supervisor is also actively searching for documents related to the mobile home park ordinance from around 2004, when McKenna was the planner, and asked for public assistance.</li> <li>• Jeff Judd offered a one-time road sweep to pick up larger debris items (illegal dumping, not regular trash) from all township roads for a flat fee of \$700.</li> </ul>
11	Policy No. 7		<ul style="list-style-type: none"> <li>• Tabled, leaving on Agenda next month as Old Business</li> </ul>
12	List of Vendor Bills for Approval		<ul style="list-style-type: none"> <li>• Members noted that they have a clearer understanding of the policy now than when the list was first requested. The policy allows for recurring, contracted, or previously approved payments (like utilities) to be made without needing a new board vote for each bill, as long as it's within the approved amount.</li> <li>• It was suggested adding a "service description" column to the vendor list for clarity.</li> <li>• The consensus is that the purchasing policy needs to be updated to better reflect how to handle payments for items that are already included and approved within departmental budgets, potentially allowing for payments</li> </ul>



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			to be made as long as the department is within its budget.
13	<b>Headland Solar Project Update</b>	<p>Motion to approve the Foster Swift appeal by G. Pushies.          Second by S. Porter.          Motion carried 5-0 in roll call vote:          T. Foote- Y          D. Grubb- Y          G. Pushies- Y          S. Porter- Y          B. Flanery- Y</p> <p>Motion to enter cost sharing agreement with Cohoctah to pay half of the cost for Discovery testimonies on July 1<sup>st</sup>, 2026 by S. Porter.          Second by G. Pushies.          Motion carried 5-0 in roll call vote:          T. Foote- Y          D. Grubb- Y          G. Pushies- Y          S. Porter- Y          B. Flanery- Y</p>	<ul style="list-style-type: none"> <li>On May 7, 2026, the Michigan Court of Appeals issued a mixed ruling regarding solar regulations under Public Act 233. The positive outcome is that the township and Livingston County are now considered "affected local units," restoring rights like participation in pre-application processes. However, the court also ruled that Compatible Renewable Energy Ordinances (CREOs) are very limited and the township cannot enforce regulations beyond what the state allows. The township's legal counsel, Foster Swift, recommended appealing this decision. The deadline to notify them of the intent to appeal is May 22, 2026. The cost is shared among approximately 79 other townships in a class-action lawsuit, with past bills being minimal (e.g., \$12-\$34). The goal of the appeal is to maintain local control.</li> <li>The township's motion to dismiss the Headland Solar application due to it being incomplete was denied and is now under appeal.</li> <li>Discovery is scheduled to begin on July 1, 2026. Testimonies will be provided.</li> </ul>
14	<b>Conway Cohoctah Union Drain</b>	<p>Motion to approve the Conway Cohoctah Union Drain agreement once we have legal approval not to exceed our share of \$27,478 by S. Porter.          Second by G. Pushies.          Motion carried 5-0 in roll call vote:</p>	<ul style="list-style-type: none"> <li>This was presented at the last meeting by Ken Recker (see 16April2026 for more details)</li> <li>The plan involves installing monitors to collect baseline stream flow data before any construction.</li> <li>Legal needs to review contract before signing.</li> </ul>



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		T. Foote- Y D. Grubb- Y G. Pushies- Y S. Porter- Y B. Flanery- Y	
15	Spring Clean-Up Additional Roadside Trash Patrol		<ul style="list-style-type: none"> <li>• See Supervisors Report above.</li> </ul>
16	Moratorium Ordinance	Motion to have Foster Swift review conditions and make recommendations for the Moratorium ordinance prior to Board approval by S. Porter. Second by T. Foote. Motion carried 5-0.	<ul style="list-style-type: none"> <li>• Board discussed sending the Moratorium Ordinance for legal review before proceeding with any final decisions.</li> </ul>
	Board Member Discussion		<ul style="list-style-type: none"> <li>• A board member confirmed that the Spring Clean-Up on May 30th is rain or shine.</li> <li>• Another discussion revolved around the procedure for roll call votes, clarifying that the supervisor votes last to act as a tiebreaker, as advised by the MTA.</li> <li>• The board then discussed landscaping options for the front of the building.</li> </ul>
	Last Call to the Public		3 members of the public spoke.
		Motion to adjourn made by G. Pushies. Second by D. Grubb. Motion carried 5-0.	Meeting adjourned at 8:48pm.

Approved:

**CONWAY TOWNSHIP**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REGULATE CRYPTOCURRENCY DATA MINING FACILITIES  
AND DATA CENTERS**

The Township of Conway ordains:

**Section 1. Amendment to Article 2 of the Zoning Ordinance.**

The following definitions are added to Article 2 of the Zoning Ordinance and shall be inserted in alphabetical order:

CRYPTOCURRENCY DATA MINING FACILITY. A facility dedicated to operating data processing equipment for commercial cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers.

DATA CENTER. A structure that houses information technology infrastructure and equipment for building, running, and delivering applications, and the storage of digital data. This includes Artificial Intelligence (“AI”) Data Centers.

**Section 2. New Section 6.28 of the Zoning Ordinance.**

A new Section 6.28 entitled “Cryptocurrency Data Mining Facilities and Data Centers” is hereby added to the Township’s Zoning Ordinance, to read, in its entirety, as follows:

**Section 6.28 Cryptocurrency Data Mining Facilities and Data Centers**

A. General Provisions.

1. Cryptocurrency Data Mining Facilities and Data Centers are permitted in the Township only as a special land use with special approval in the \_\_\_\_\_ Zoning District.
2. The Township may enforce any remedy or enforcement, including but not limited to, the removal of any Cryptocurrency Data Mining Facilities and Data Centers pursuant to the Zoning Ordinance or as otherwise authorized by law if the Cryptocurrency Data Mining Facility or Data Center does not comply with this Section.

B. Special Approval Application Requirements. In addition to the requirements of Article 13, an applicant for special approval of a Cryptocurrency Data Mining Facility or Data Center must provide the Township with all of the following:

1. An application fee in an amount set by resolution of the Township Board.

2. A list of all parcel numbers that the Cryptocurrency Data Mining Facility or Data Center will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
3. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
4. Current photographs of the subject property.
5. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Cryptocurrency Data Mining Facility or Data Center will be connected to the power grid.
6. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
7. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Cryptocurrency Data Mining Facility or Data Center, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Cryptocurrency Data Mining Facility or Data Center and restore the subject parcels, which is subject to the Township's review and approval.
8. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

9. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.
  10. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
  11. A fire protection plan, which identifies the fire risks associated with the Cryptocurrency Data Mining Facility or Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
  12. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
  13. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.
  14. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
  15. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- C. System and Location Requirements. In addition to the requirements of Article 14 for a site plan, the site plan must include all of the following:
1. Equipment. All equipment used in any Cryptocurrency Data Mining Facility or Data Center must be housed in a metered, electrically grounded, and pre-engineered or prefabricated metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes.
  2. Structures. All principal and accessory structures used for cryptocurrency mining operations and/or data centers, shall be arranged, designed, and constructed to be

harmonious and compatible with the site and with the surrounding properties. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:

- a. All structures shall have concrete foundations.
  - b. All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded.
  - c. If intermodal shipping containers are utilized such installation shall comply with current National Electrical Code standards.
3. **Lighting.** The lighting of the Cryptocurrency Data Mining Facility or Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Cryptocurrency Data Mining Facility or Data Center. The Cryptocurrency Data Mining Facility or Data Center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.
  4. **Security Fencing.** Security fencing must be installed around all electrical equipment related to the Cryptocurrency Data Mining Facility or Data Center. Such fencing must be a minimum seven (7) feet tall and must use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
  5. **Noise.** The noise generated by the Cryptocurrency Data Mining Facility or Data Center must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.
  6. **Signage.** The Cryptocurrency Data Mining Facility or Data Center shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.
  7. **Underground Transmission.** All power transmission or other lines, wires, or conduits from a Cryptocurrency Data Mining Facility or Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
  8. **Drain Tile Inspections.** The Cryptocurrency Data Mining Facility or Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the Cryptocurrency Data Mining Facility or Data Center is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and

submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

9. Fire Protection.

- a. Before any construction of the Cryptocurrency Data Mining Facility or Data Center begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Cryptocurrency Data Mining Facility or Data Center must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
- b. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
- c. The Cryptocurrency Data Mining Facility or Data Center must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
- d. The Cryptocurrency Data Mining Facility or Data Center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.

10. Applicant must provide all Township Fire Department contractors with the appropriate equipment and training to address fires in the Cryptocurrency Data Mining Facility or Data Center.

11. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.

12. Permits. All required county, state, and federal permits must be obtained before the Cryptocurrency Data Mining Facility or Data Center begins operating. A building permit is required for construction of a Cryptocurrency Data Mining Facility or Data Center regardless of whether the applicant or operator is otherwise exempt under state law.
13. Decommissioning. If a Cryptocurrency Data Mining Facility or Data Center is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Cryptocurrency Data Mining Facility or Data Center that is never fully completed or operational if construction has been halted for a period of one (1) year.
14. Financial Security. To ensure proper decommissioning of a Cryptocurrency Data Mining Facility or Data Center upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
15. Extraordinary Events. If the Cryptocurrency Data Mining Facility or Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
16. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
  - a. Current proof of insurance;
  - b. Verification of financial security; and
  - c. A summary of all complaints, complaint resolutions, and extraordinary events.
17. Inspections. The Township may inspect a Cryptocurrency Data Mining Facility or Data Center at any time by providing 24-hour advance notice to the applicant or operator.
18. Transferability. A conditional land use permit for a Cryptocurrency Data Mining Facility or Data Center is transferable to a new owner. The new owner must register

their name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

19. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any Cryptocurrency Data Mining Facility or Data Center pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

### **Section 3. Amendment to Article [REDACTED].**

Article [REDACTED], Section [REDACTED] is hereby amended to add Cryptocurrency Data Mining Facilities and Data Centers as a special land use in the [REDACTED] zoning district as follows:

[REDACTED] Cryptocurrency Data Mining Facilities and Data Centers.

### **Section 4. Validity and Severability.**

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

### **Section 5. Repealer.**

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

### **Section 6. Effective Date.**

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

CONWAY TOWNSHIP

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE ZONING  
ORDINANCE TO REGULATE ESSENTIAL SERVICES

THE TOWNSHIP OF CONWAY ORDAINS:

**Section 1. Amendment of Section 11.03(A)(1) of the Zoning Ordinance:**

Section 11.03(A)(1) of the Zoning Ordinance, entitled “Public Utility Uses,” is amended in its entirety to read as follows:

Public Utility Uses. Electric transformer station, substation, and switching stations; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations. Electric substations and switching stations are also subject to Section [REDACTED].

**Section 2. Addition of New Section [REDACTED] to the Zoning Ordinance.**

New Section [REDACTED] is added to the Zoning Ordinance, and reads in its entirety as follows:

**Sec. [REDACTED]. Electrical Substations and Electrical Switching Stations.**

Electrical substations and electrical switching stations require Special Land Use approval in accordance with Article 13 and Site Plan Review in accordance with Article 14. Electrical substations and electrical switching stations are also subject to the following requirements.

- A. *Special Land Use Permit Application Requirements.* In addition to the requirements of Article 13, the applicant for an electrical substation or electrical switching station must provide the Township with all of the following:
1. The name of the applicant, any parent company, subsidiary of the parent company, or any entity “doing business as” of the parent company.
  2. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
  3. The Applicant shall deposit funds in an escrow fund with the Township. The escrow is used to cover all costs and expenses associated with the special land use and site plan review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. The Township Board may from time to time by resolution set the initial escrow amount. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the

determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

4. A list of all parcel numbers that will be used by the electrical substation or electrical switching station including applicable attachments, establishing ownership of each parcel, with memoranda of all lease agreements, easements, or purchase agreements for the subject parcels. All agreements related to the use of the subject parcels and not defined as confidential under Michigan law must be recorded with the Livingston County Register of Deeds.
5. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
6. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant must identify its plan for providing those resources.
7. A written description of the fire suppression system that will be installed, which must identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
8. Current ground and aerial photographs of the property, including both a physical and electronic copy of the photographs.
9. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
10. A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation.
11. An attestation that the applicant will indemnify and hold the Township, its elected and appointed officials, employees, volunteers, and agents harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the electrical substation or electrical switching station. The Township shall be named as an additional insured for such indemnity.
12. A ground cover vegetation establishment and management plan that complies with this ordinance.
13. Proof of environmental compliance, including compliance with Part 31, Water

Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.

14. A groundwater analysis of all parcels in the participating property.
15. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

B. *Site Plan Application Requirements.*

1. *Contents of Site Plan.* In addition to the requirements in Article 20, the applicant must provide a boundary survey by a surveyor licensed in the State of Michigan of the project and a detailed site plan draft to a scale of 1" = 200 feet with the following:
  - a. Location of all existing and proposed structures, equipment, electrical tie lines, transmission lines, transformers, inverters, substations, security fencing, and all other components of the electrical substation or electrical switching station within the participating property and all dwellings and/or structures within 1000 feet of the property lines of the participating property.
  - b. Depiction (to scale) of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access drives, and road rights of way.
  - c. Plan for any land clearing and grading required for the installation and operation of the electrical substation or electrical switching station.
  - d. Plan for ground cover establishment and management.
  - e. Description of measures to be taken to support the flow of rainwater and/or stormwater management.
  - f. Security plan detailing measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the electrical substation or electrical switching station.
  - g. A maintenance plan, including landscaping upkeep, regular checks, and maintenance for the equipment, and decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the electrical substation or electrical switching station is decommissioned. The

maintenance plan must include a plan for maintaining all setback areas.

- h. Anticipated construction schedule, including timeline to completion and scope of work.
- i. Sound modeling study including sound isolines extending from the sound sources to the property lines.
- j. Any additional studies requested by the Planning Commission, including but not limited to the following:
  - i. Visual Impact Assessment: A technical analysis by a third-party qualified professional acceptable to the Township of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
  - ii. Environmental Analysis.
    - (a) The applicant shall have a third-party qualified professional, acceptable to the Township, 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.).
    - (c) Wildlife Impact: A wildlife impact study, including an analysis of the impact on the properties within one mile of the project.

- k. Electrical substations or electrical switching stations are not permitted on property enrolled in the Farmland and Open Space Preservation Act, being in PA 116, of 1974, now codified in Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1974, as amended. However, a Site Plan may be approved for such property, conditioned upon relinquishment of the PA116 agreement by the Michigan Department of Agriculture and Rural Development.
- l. *Conceptual Layout Plan.* Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan may be reviewed by the Planning Commission to allow for discussion and feedback.
- m. *Approvals from Other Agencies.* Final site plan approval and building permits may be granted only after the applicant receives (1) all required federal and state approvals, and (2) approval by the local fire chief, county drain commissioner, county road commission, local airport zoning authority (if applicable), county building department, and any other federal, state or local agency having jurisdiction or authority to grant permits related to the electrical substation or electrical switching station.
- n. *Application Items as Substantive Requirements.* The information, plans, documents, and other items identified as application requirements in this ordinance, including the site plan and special land use permit, are substantive requirements for obtaining approval for an electrical substation or electrical switching station. The Planning Commission will review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission may deny approval on that basis.

C. *System and Location Requirements.*

- 1. Electrical substations or electrical switching stations are only permitted within the Solar Energy System Overlay District.
- 2. Electrical substations and electrical switching stations must be set back at least 250 feet from the nearest property line of any non-participating property at the time of application. In addition, if a non-participating dwelling is within 500 feet of said setback, the setback must be increased to maintain 500 feet from said dwelling. If a single electrical substation or electrical switching station is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the electrical substation or electrical switching station is located, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots. All property in the setback areas, if not farmed, shall be maintained as defined in a maintenance setback plan acceptable to the Township.
- 3. Electrical substations and electrical switching stations must be set back at least

100 feet from the edge of any wetland, shoreline, or drain easement. The Planning Commission may increase this setback requirement up to 200 feet if the Planning Commission determines that such a setback is necessary to protect the public health, safety, and welfare.

4. The height of the electrical substation or electrical switching station and any accessory structures, and related equipment must not exceed [REDACTED] feet. Lightning rods shall not exceed [REDACTED] feet in height and shall not be any greater than necessary to protect the electrical substation or electrical switching station from lightning.
5. *Permits.* All required county, state, and federal permits must be obtained before final site plan approval and before the electrical substation or electrical switching station begins operating.
6. *Screening.* Greenbelt screening is required around any electrical substation or electrical switching station and around any equipment associated with the same to obscure, to the greatest extent possible, the electrical substation or electrical switching station from any adjacent residences, as described below, or as otherwise approved by the Planning Commission:
  - a. The screening shall be installed to obscure the electrical substation or electrical switching station and shall contain two rows of staggered evergreen trees planted not more than twelve (12) feet apart trunk to trunk, and the two rows shall be no greater than ten (10) ft apart. The Township may consider an alternative landscape buffer as a part of the special land use approval, provided the alternative provides adequate screening.
  - b. Plantings shall be least eight (8) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons.
  - c. The trees may be trimmed but must maintain a height of at least eighteen (18) feet.
  - d. Evergreen trees shall be Norway Spruce or such alternative approved by the Township.
  - e. Good husbandry techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, 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 in a manner consistent with this Section at the next appropriate planting time.
  - f. Front, side, and rear yard screening is required if the electrical

substation or electrical switching station is adjacent to a non-participating property.

7. *Appearance.* The exterior surface of an electrical substation or electrical switching station must be generally neutral in color and substantially non-reflective of light.
8. *Agricultural Preservation and Habitat Impact.* Land clearing and clear cutting trees and other vegetation shall be limited to what is minimally necessary for installation and operation of the electrical substation or electrical switching station given the topography of the land. Topsoil distributed during preparation shall be retained on site. In addition, access drives shall be designed to minimize extent of soil disturbance, water run-off, and soil compaction.
9. *Lighting.* Lighting of the electrical substation or electrical switching station must be down facing and is limited to the minimum light necessary for safe operation. Lighting shall not be more than [REDACTED] feet taller than the maximum height of any component of the structure(s) and in no case shall lighting be taller than [REDACTED] feet. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the electrical substation or electrical switching station, except as otherwise mandated by law.
10. *Signage.* Signage is not permitted except as required in this subsection and for purposes of posting information that may be necessary for electrical operations and the safety and welfare of the public. An information sign shall be posted and maintained at the entrance(s) listing the name, address, and phone number of the operator.
11. *Security Fencing.* Security fencing is required around all electrical equipment related to the electrical substation or electrical switching station. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the electrical substation or electrical switching station. Required fencing must be at least seven feet tall and compliant with NERC and FERC regulations.

In addition to the above limitations, an evergreen tree berm, with trees spaced not more than 12 feet apart, may be required to reduce noise levels surrounding all electrical substation or electrical switching station. The berm must be no more than 10 feet from the outermost sound-producing components, must be at least as tall as sound producing components, but not more than three feet taller than the height of the tallest sound producing component.

12. *Drain Tile Inspections.* The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before construction of any part of the electrical substation or electrical switching station occurs. The applicant or operator must submit proof of the inspection to the Township and Livingston County Drain Commission. Any damaged or inoperable tile shall be repaired prior to construction. After the electrical substation or electrical switching station is operational, the owner or

operator must repair any damage or failure of the drain tile within 30 days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection. Documentation of repairs shall be submitted to the property owner, the township, and the Livingston County Drain Commission and must indicate the location, nature, and satisfactory completion of the repairs.

13. *Groundwater Analysis.* The operator of the electrical substation or electrical switching station must provide a groundwater analysis for the property(ies) annually.
14. *Access Routes.* Access drives are subject to the approval of the Livingston County Road Commission and the Township Planning Commission. Access drives must be adequately maintained for emergency vehicle use, even in winter.
15. *Construction.* Construction or maintenance of the electrical substation or electrical switching station may only occur between 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding federal holidays. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a electrical substation or electrical switching station shall be repaired at the applicant's expense.
16. *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence. All insurance policies shall name the Township as an additional insured and shall include the indemnity provisions of [REDACTED].
17. *Extraordinary Events.* If the electrical substation or electrical switching station experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
18. *Transferability.* A special use permit for an electrical substation or electrical switching station is transferable to a new owner or operator. The new owner or operator must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
19. *Lease.* If the participating property is proposed to be leased, instead of owned, by the owner or applicant of the electrical substation or electrical switching station, all subject parcels must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the uses. All necessary leases, easements, or other agreements between the electrical substation or electrical switching station owners or applicant and the property owners must be in place prior to commencing construction.

20. *Site Plan Amendments.* Site plan amendments may be permitted pursuant to Article 20 of the zoning ordinance, except the following shall not be considered a minor amendment by the Planning Commission: changes of the location of structures, fencing, buildings, or ancillary equipment by 10 feet or more.

21. *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

### **Section 3. Severability.**

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

### **Section 6. Repealer.**

All ordinances are parts of ordinances in conflict with this Ordinance are repealed, but only to the extent that a conflict between provisions exists.

### **Section 7. Effective Date.**

This Ordinance takes effect upon the expiration of seven days after publication, as provided by law.