

Conway Township Planning Commission

2014 Annual Summary Report

Date	Overview
January 13, 2014	<ul style="list-style-type: none"> <li>• Election of officers: Chair – Dennis Bowdoin, Vice Chair – Dennis Sommer, Secretary – Londa Horton.</li> <li>• Planning Commission meeting dates are the second Monday of every month.</li> <li>• Accepted Planning Commission’s Annual Report prepared by Londa Horton.</li> </ul>
February 10, 2014	<ul style="list-style-type: none"> <li>• Request for land division of parent parcel owned by Paul Grill at 11573 N. Fowlerville Road #4701-03-100-015 tabled until information is available regarding potential remaining divisions available from the parent parcel and whether or not property taxes have been paid.</li> <li>• There was an informational meeting of the Township Board and Planning Commission held on February 6 with a presentation by FLOW (For Love of Water).</li> <li>• Fracking Advisory Committee introduced.</li> <li>• Bill Call introduced as new Conway Township Zoning Administrator to start March 1, 2014.</li> <li>• Recommendation to the Township Board to approve the buying and selling of firearms only for Freedom Firearms, LLC, Edward Thomas, at 9211 Nicholson Road, Parcel #4701-17-400-010.</li> </ul>
March 10, 2014	<ul style="list-style-type: none"> <li>• Fracking Advisory Committee made suggestions regarding Township ordinances.</li> <li>• Call Ms. Digg at 811 for questions regarding underground pipes on personal property. With farming equipment digging deeper now when tilling fields, the potential of unearthing gas pipes is greater.</li> </ul>
April 14, 2014	<ul style="list-style-type: none"> <li>• Recommendation to the Township Board to approve the Paul Grill land division #4701-03-100-015 which due to new survey methods using GPS revealed 3.2 acres were missing in the survey. Recommendation to grant tentative approval given a review with the accessor and a site distance review, a revised application for one division and a redivision be repaired with no transfer division.</li> <li>• The Fracking Advisory Committee developed additional Township ordinance ideas.</li> <li>• Motion passed to change the Planning Commission meeting times from 7:30 to 7:00pm.</li> </ul>
May 12, 2014	<ul style="list-style-type: none"> <li>• The Right to Farm Act for category 4 changed and does not allow for livestock in subdivisions.</li> <li>• It is reported that Hamburg Township is the safest place to live in Livingston County.</li> <li>• If there is a two gallon spill or more associated with well drilling, it has to be reported.</li> <li>• The Fracking Advisory Committee as reported by Kim Joliff meets the first Tuesday of every month at 6:30pm.</li> <li>• Dennis Bowdoin reported that the Sherwood well containment pit had been concreted, a liner installed and the area backfilled.</li> <li>• Township residents can build a barn prior to building a residence, but the principle residence must be built in front of the barn (Zoning Ordinance 6.06A, 6.06N).</li> <li>• The status of the AT&amp;T cell tower which approached the Planning Commission in March 2011 still required the appropriate setbacks and screening.</li> </ul>
June 6, 2014	<ul style="list-style-type: none"> <li>• An update on the status of the Sherwood gas well was given by Dennis Bowdoin who indicated that acid had been put down the well and it is currently percolating to see if it’s a viable well or not.</li> <li>• Scott Buell indicated that the Drain Commission will be conducting road work commencing June 23 for one week to install six drainage tubes on N. Fowlerville Road.</li> <li>• The Emergency Preparedness Committee is recruiting members and compiling all available resources such as: generators, backhoes, injury station buildings, etc.</li> </ul>

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July 14, 2014	<ul style="list-style-type: none"> <li>• The status of the Sherwood well as reported by Bob Carusi of the Fracking Advisory Committee is that a plug is supposed to be put in it. The Site Manager for GeoSouthern indicated that the Sherwood well would produce 20 barrels of gas per day as commented by Dennis Bowdoin. Note that this well was acidized not fracked. Request to the Township Board to secure a well closure document from the supervisor of the well.</li> <li>• Request from Planning Commissioner, George Pushies, to see a breakdown of the township road spending. Previously a five year road plan was in place.</li> </ul>
August 11, 2014	<ul style="list-style-type: none"> <li>• Scott Buell reported that N. Fowlerville Road's blacktop sealer has been applied and the road work completed.</li> <li>• Recommendation to the Township Board to approve Planning Commission meeting times from 7:30pm to "time as posted."</li> <li>• Clarification requested from the Township Board regarding who is in charge of printing meeting agendas for the public for Planning Commission meetings.</li> </ul>
September 8, 2014	<ul style="list-style-type: none"> <li>• Recommendation that the Township Board approve the George Sherwood land division #4701-26-100-004.</li> <li>• Zoning Administrator, Bill Call, reported that the Township can charge AT&amp;T \$1000 total for all fees required to construct a cell tower according to a new law passed in 2012.</li> <li>• The Emergency Planning Committee headed by Bob Carusi, reported that the Township generator did not start during a severe storm this week.</li> </ul>
September 30, 2014	<ul style="list-style-type: none"> <li>• This was a special meeting to discuss FLOW recommendations regarding next steps to the fracking operation with Rob Stanford and Scott Barb from the Livingston County Planning Department present.             <ul style="list-style-type: none"> <li>○ Look to PA451 to regulate against the Michigan Zoning Enabling Act.</li> <li>○ The Township does not want to zone against fracking as this would be exclusionary. Advice was to be broader and the ordinance is scrutinized less legally, e.g. mining, extraction.</li> <li>○ Conway Township can have two sets of standards: one for farmers and one for frackers. Farmers are covered under the Right to Farm Act.</li> <li>○ The Sherwood well was deemed acidized not fracked.</li> <li>○ The DEQ handles all permitting of well drilling.</li> <li>○ To discover if land is under a mineral rights lease, go to the Register of Deeds at the Howell County Courthouse.</li> </ul> </li> </ul>
October 14, 2014	<ul style="list-style-type: none"> <li>• Zoning Administrator, Bill Call, indicated that AT&amp;T did approach Conway Township regarding construction of a monopole located on the property of Dan Coon. They have filed a Tall Structures Act with the State.</li> <li>• Communique' from Bob Stanford and Scott Barb from the Livingston County Department of Planning indicating that there is little value to pursue implementing an ordinance/master plan language regarding the fracking ordinance project outcomes as recommended by FLOW.</li> </ul>
November 10, 2014	<ul style="list-style-type: none"> <li>• Land division of Daniel Masco #4701-04-200-009 recommended the Township Board approve.</li> <li>• Update from the Zoning Administrator regarding no updates on AT&amp;T cell tower construction.</li> </ul>
December 8, 2014	<ul style="list-style-type: none"> <li>• Directive from the Township Board requested to form a land division sub-committee as recommended by the Township attorney.</li> <li>• Bob Carusi of the Emergency Planning Committee will be attending CERT training.</li> <li>• Recommended that the Township Board reappoint George Pushies and Mike Stock to the Planning Commission.</li> <li>• Highest priorities of the Township Board which is looking at developing a 20 year plan are roads and internet service.</li> </ul>

# Conway Township Planning Commission Meeting Minutes

## January 13, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Herm and Shirley Yost, Bob Carusi , Jeff Hodge</li> <li>• Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Scott Buell, Mike Stock, Larry Parsons and Londa Horton</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is February 10, 2014 at 7:30pm</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners: Dennis Bowdoin, Dennis Sommer, Mike Stock, Londa Horton, George Pushies, Scott Buell, Larry Parsons. All present. Commissioners all signed in.	
<b>Minutes from last meeting</b>	<p>Larry Parsons made a motion to accept the Planning Commission meeting minutes from December 9, 2013. Second by Dennis Sommer. All in favor. Motion Passed.</p> <p>Larry Parsons made a motion to accept the meeting minutes from the November 17, 2013 Joint meeting. Second by Dennis Sommer. All in favor. Motion passed.</p>	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> <li>• Cindy Dickerson set up the first FLOW meeting for February 6 at 6:30pm at the High School.</li> </ul>	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>• -0-</li> </ul>	
<b>Old Business</b>	The first FLOW meeting is open to all townships in the county.	
<b>New Business</b>	<p>Larry Parson made a motion to leave the current Planning Commission positions of: Chair – Dennis Bowdoin, Vice Chair – Dennis Sommer and Secretary – Londa Horton, as is. Second by George Pushies. All in favor. Motion passed.</p> <p>Scott Buell made a motion to leave the Planning Commission meeting dates to the second Monday of every month. Second by George Pushies. All in favor. Motion passed.</p> <p>Scott Buell made a motion to accept the Planning Commission's Annual Report put together by Londa Horton. Second by Dennis Sommer. All in favor. Motion passed.</p>	

# Conway Township Planning Commission Meeting Minutes

## January 13, 2014

Agenda	Items Discussed	Actions to be Taken
Update from the Board	<ul style="list-style-type: none"> <li>Larry Parsons gave an update from the Township Board.</li> <li>Mike Stock indicated that all township boards are invited to the High School Media Center to collaborate. This will probably occur on January 22.</li> </ul>	
Call to Public	-0-	
General Discussion	<ul style="list-style-type: none"> <li>Jeff Hodge discussed Pennsylvania's legislation before the Pennsylvania Supreme Court limiting industrial type activity in areas not zoned for industrial. He suggested FLOW look into this court case.</li> <li>Dennis Sommer gave an overview of his attendance at the December 11 Brown Bag luncheon. The Huron River Watershed started in 1965. Today their challenges include: drinking water and fracking. They monitor Wayne, Washtenaw and Livingston County water.</li> <li>Dennis Bowdoin discussed that MTA is working with DEQ to monitor wells and there are new rules for disclosures of chemicals used. The awareness of the fracking issue has been raised.</li> </ul>	<p><b>Dennis Bowdoin will communicate to the Township Board the Pennsylvania court case and ask that FLOW look into this court case.</b></p>
Adjournment	Larry Parsons made a motion to adjourn. George Pushies second. All in favor. Motion passed. Meeting adjourned at 8:03pm.	

### 2014 Calendar for Planning Commission Meeting Dates

- January 13
- February 10
- March 10
- April 14
- May 12
- June 9
- July 14
- August 11
- September 8
- October 13
- November 10
- December 8

Conway Township joint Planning Commission & Board of Trustee's Meeting  
Jan., 21,2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Planning Commission's 2013 annual report was approved

Submitted by  
Dennis Bowdoin Planning Commission Chair  
1/22/14

# CONWAY TOWNSHIP PLANNING COMMISSION BYLAWS OF

September 8, 2008

Adopted, effective immediately, September 8, 2008

(Revised August 8, 2011)

## 1. Name Purpose

- A. The name shall be the Conway Township Planning Commission, hereafter known as the "Commission".
- B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."
- C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

## 2. Membership

- A. Members. Members of the Commission are appointed by the Conway Township Board of Trustees pursuant to the Conway Township Planning Commission Ordinance No. 21 as amended. There shall be seven members, which shall include one ex officio member.
  1. First priority, each member shall represent and advocate what is best for the Township of Conway as a whole, putting aside personal or special interests.
  2. Second priority, the membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce, The membership shall also be representative of the entire territory of Conway Township to the extent practicable, as appointed by the Conway Township Board of Trustees:
- B. Ex officio. As defined by statute, is a planning commission member with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.
- C. Liaisons. The purpose of liaisons is to provide certain Conway Township officials and quasi-officials the ability to participate in discussions with the Commission. Liaisons cannot vote, except to break a tie vote of the appointed Commissioners, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:
  1. Conway Township Board member, usually the Clerk.
- D. Attendance. If any member of the Commission is absent from three

Consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Conway Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary, or acting Secretary in the absence of the elected Secretary, shall keep attendance records and shall notify the Conway Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings; this is not to include the Township Board of Trustee meetings; so the Conway Township Board of Trustees can consider further action allowed under law or excuse the absences.

E. Incompatibility of Office.

1. If there is a question whether a conflict of interest exists or not, the Question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission, after full disclosure of commissioner, if known.
2. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
  - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
  - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
  - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
  - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
  - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law grandparents in-law, or members of his or her household.
  - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
    - (1) an applicant or agent of an applicant, or
    - (2) Has a direct interest in the outcome.
3. When a conflict of interest exists, the member of the Commission, or Committee shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. declare a conflict exists at the next meeting of the Commission or Committee:
    - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, or others and
    - c. During deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
  4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
- F. Duties of all members.
  1. Ex Parte contact
    - a. Members shall avoid Ex Parte contact about cases where an administrative decision is before the Commission whenever possible.
    - b. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
  2. Site inspections
    - a. Site inspections shall be done by the zoning administrator. A written report of the site inspection shall be presented to the Commission at a public meeting or hearing on the site. An oral presentation may be requested by Commission.
    - b. If desired, no more than one member of the Commission may accompany the zoning administrator on a site inspection.
  3. Not voting on the same issue twice.
    - a. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to the following:
    - b. When the appeal is of an administrative or other decision by the Commission and the member of the Commission sits both on the Commission and the Zoning Board of Appeals.



- c. When the case is an administrative decision which was decided by the Commission and sent to the Conway Township Board of Trustees for further action, and the member of the Commission sits both on the Commission and the Conway Township Board of Trustees.
4. Accepting gifts.
  - a. Gifts shall not be accepted by a member of the Commission or Liaisons from anyone connected with an agenda item before the Commission.
  - b. As used here, gifts, shall mean cash, any tangible item, or Service, regardless of value; and food valued over \$10.00 ten dollars.
  - c. This section does not apply to the Commission accepting gifts For the exercise of its functions pursuant to M.C.L. 125.3823(3), 23(3) of the planning act.
  - d. In Township gifts shall only be accepted by the Township Board on behalf of the planning Commission
5. Spokesperson for the Commission.
  - a. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
  - b. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
  - c. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.
6. Code of Conduct.
  - a. Each member, upon appointment, shall sign a code of conduct.
7. Officers
  - a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording Secretary.

- b. Tenure. The Chair, Vice-Chair and Secretary shall take office at the meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- c. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
  - 1. Preside at all meetings with all powers under parliamentary procedure.
  - 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity or other remarks which are not about the topic before the Commission.
  - 3. Restate all motions as pursuant to these Bylaws.
  - 4. Appoint committees.
  - 5. Appoint officers of committees or choose to let the committees select their own officers.
  - 6. May call special meetings pursuant to these Bylaws.
  - 7. Act as member and Chair of the Executive Committee pursuant to these Bylaws.
  - 8. Act as an Ex-Officio member of all committees of the Commission.
  - 9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
  - 10. Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
  - 11. Periodically meet with the Planner hired by the Board of Trustees, the County Planner to review Planning procedures, and to monitor progress on various projects.
  - 12. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
  - 13. Represent the Commission before the Conway Township Board of Trustees.
  - 14. Perform such other duties as may be ordered by the Commission.
- d. Vice-Chair's Duties. The Vice Chair shall:
  - 1. Act in the capacity of the Chair, with all the powers and duties of the Chair.
  - 2. Perform such other duties as may be ordered by the Commission.
- e. Secretary's Duties. The secretary shall:
  - 1. Execute documents in the name of the Commission;

2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
  3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission. The Secretary may delegate this duty to the Deputy Secretary.
  4. Keep attendance records pursuant to these Bylaws;
  5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
  6. Prepare an agenda for the Commission meetings pursuant to these Bylaws.
  7. Act as a member and Secretary of the Executive Committee pursuant to these bylaws.
  8. Perform such other duties as may be ordered by the Commission.
- f. Deputy Secretary's Duties. The Deputy Secretary shall:
1. Act in the capacity of the Secretary, with all the powers and duties of the Secretary in the absence of the Secretary; and
  2. Perform such other duties as may be ordered by the Commission.

#### G. Meetings

1. Regular meetings. Meetings of the Commission will be held the 2<sup>nd</sup> Second Monday and the 3<sup>rd</sup> third Tuesday of every month at 7:30 p.m. at the Conway Township Hall. The 3<sup>rd</sup> Tuesday meeting shall not be paid and shall not be mandatory. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. As annual notice or regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
2. Special Meetings. Special meetings shall be called in the following manner:
  - a. By the Chair.
  - b. By any two members of the Commission.
  - c. By the Chair at the request of any non member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the Conway Township Board of Trustees.
  - d. Notice of Special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition

notices shall comply with P.a. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).

3. Recess. The Chair, or the Commission, after the meeting has been in Session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more that 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976 as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
5. Motions.
  - a. Motions shall be restated by the Chair before a vote is taken.
  - b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
6. Voting. Voting shall be by voice and shall be recorded as passing or Failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a

- majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
7. Commission Action. Action by the Commission on any matter on Which a hearing is held shall not be taken until the hearing has been concluded.
  8. Parliamentary Procedure. Parliamentary procedure in Commission Meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (10<sup>th</sup> Edition, Perseus Publishing, New York, 2000 ISBN 0-7382-037-6) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.
  9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting with an extended time limit set by the Chair.
  10. Consensus Business. Certain items of business before the Commission Are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still

included as Consent Items. The approval of minutes would be proposed on the agenda as a Consent Item. Consensus business can be proposed for any item on the agenda, but shall never include any of the following. Review of plans and zoning ordinances, or any part or amendment thereto. Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
  - a. Call to order, Pledge of Allegiance.
  - b. Matters pertaining to citizens present at the meeting, as Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first
  - c. House keeping business such as, Consent Business, Approval of Minutes, Communication, Other.
  - d. Unfinished business and reports to include but not limited to, a report from the Conway Township Board of Trustees liaison about the action taken by the Board on the items sent to them by the Commission for their action.
  - e. New business.
  - f. Public participation for items not on this agenda.
  - g. Adjournment.
12. Delivery of Agenda. The agenda and accompanying materials shall be Mailed or delivered to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting.
13. Placement of Items on the Agenda.
  - a. The Conway Township Clerk shall be the office of record for The Commission.
  - b. The Conway Township Clerk may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
  - c. Items received by the Clerk between seven business days prior To the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent

regular or special Commission meeting. Those items of a major nature, or items normally receiving review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

- d. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

#### 14. Record

- a. Minutes and Record. The Commission Secretary shall keep, or caused to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
  - (1). Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.).
  - (2). Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
  - (3). Time and place the meeting was called to order.
  - (4). Attendance.
  - (5). Indication of others present.
  - (6). Summary or text of points of all reports including reports of what was seen and discussed at a site inspection given at the meeting, and who gave the report and in what capacity.
  - (7). Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  - (8). Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included; who testified and a summary of what was said, a statement of what is being approved, the location of the property involved including tax parcel number ID, what exhibits were submitted, what evidence was considered, the administrative body's findings of fact, reasons for the decision made and if denied then each reason should refer to a section of an ordinance which would be violated or with which not complied, the decision if denied, approved, or approved with modification, a list of all required improvements, a list of all changes to the map/drawing/site plan that was submitted, who called the question, what type of vote and its outcome, that a person making a motion withdrew it from consideration, all the Chair's rulings, all challenges, discussion and vote/outcome on a Chair's ruling, all parliamentary inquiries or points of order, when a voting

member enters or leaves the meeting, when a voting member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting, all calls for an attendance count, the attendance, and ruling if a quorum exists or not, the start and end of each recess, all Chair's rulings of discussion being out of order, full text of any resolutions offered, summary of announcements, summary of informal actions, or agreement on consensus, time of adjournment.

- b. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- c. Retention. Commission records shall be preserved and kept on file according to the following schedule,
  - (1). Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission publications Permanent.
  - (2). General ledger: Twenty years
  - (3). Correspondence: Permanent.

15. Mileage and Per Diem

- a. Mileage and per diem shall be paid to members of the Commission at the will of and at the rate established by the Conway Township Board of Trustees. No mileage or per diem is paid to any member to attend the Board of Trustee meetings.

15. Hearings

Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Conway Township Board of Trustees, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

16. Zoning Responsibilities

All the powers of zoning are transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as



specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Conway Township Board of Trustee's. At a minimum the recommendation shall include the text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and the manner of administering and enforcing the zoning ordinance. The Commission shall review and act on all special use permits pursuant to the Zoning Act and the zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for action, the Commission's action; pursuant to these Bylaws and a recommendation to the Conway Township Board of Trustee's. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to these Bylaws. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretations, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

17. Other Matters to be Considered by the Commission
  - a. The following matters shall be presented for consideration at a meeting of the Commission:
    - (1). Preparation of an annual report of the Commission.
    - (2). Selection of Consultants and a recommendation to the Conway Township Board of Trustee's for same.
18. Adoption, Repeal, Amendments
  - a. Upon adoption of these Bylaws of 9/8/2008, they shall become effective and all previous Bylaws, shall be repealed.
  - b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
  - c. These Bylaws may be amended at any regular or special by a two-thirds (2/3) vote of the members present.

## CODE OF CONDUCT AND OATH OF OFFICE

The Appointed Member of the Conway Township Planning Commission agrees to abide by this Code of Conduct

As a member I will:

1. Accept responsibility to represent the Conway Township Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the responsibility to promote and support development of effective planning and zoning programs.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notification of any necessary absences.
6. Read the plan, zoning ordinance, other ordinance, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Planning Commission and continue to gain knowledge and understanding through self-study, inquires and attending appropriate training when possible.
7. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission and Township Board of Trustee's.
8. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
9. Refrain from deciding cases before the meeting discussion.
10. Participate in the Planning Commission deliberation at the meetings when appropriate.
11. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest incompatible office, ex parte contact, not voting on the same issue twice by virtue of serving on two different bodies, or accepting gifts as a form of influencing your vote.
12. In Public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission.
13. I will follow, and will help my Community follow the Community Planning Principles established by the Michigan Association of Planning, the Michigan Chapter of the American Planning Association.

### OATH OF OFFICE

I, MICHAEL Stock solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will discharge the duties of the office of a member of the Planning Commission in and for Conway Township to the best of my ability.

Signed: \_\_\_\_\_

Michael J Stock

Date \_\_\_\_\_

1/13/14



# Conway Township Planning Commission Meeting Minutes

## February 10, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Ron Kardos, Herman and Shirley Yost, Bob Carusi, Kim Joliff, Jeff Hodge, Bill Call, Jim Jabara, and Cindy Dickerson, Township Clerk</li> <li>• Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Scott Buell, Larry Parsons, and Mike Stock. Londa Horton absent.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is March 10, 2014, at 7:30 p.m.	
<b>Roll Call and Sign In</b>	Dennis Sommer conducted roll call of all Planning Commissioners. Dennis Bowdoin, Dennis Sommer, Mike Stock, George Pushies, Scott Buell, Larry Parsons. Londa Horton absent. All Commissioners present signed in.	
<b>Minutes from last meeting</b>	Mike Stock made a motion to accept the Planning Commission Meeting minutes from January 13, 2014. Second by Larry Parsons. All in favor. Motion Passed.  Larry Parsons made a motion to accept the meeting minutes from the January 21, 2014, Joint Meeting and the February 6, 2014, Joint Meeting. Second by Mike Stock. All in favor. Motion Passed.	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	Dennis Bowdoin reported on the February 12, 2014, Brown Bag Luncheon to be held at Johnson Center, Cleary University, Howell, Michigan.  Dennis Sommer informed the Commissioners of the February 18, 2014, Pipeline Safety Meeting to be conducted by Paradigm Liaison Services in Lansing, Michigan.	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>• Parent Parcel No. 4701-03-100-015 at 11573 N. Fowlerville Road by Paul Grill. George Pushies made a motion to table this request until additional information is received on any potential remaining divisions available from the parent parcel and whether or not property taxes have been paid. Scott Buell seconded. All in favor. Motion Passed.</li> </ul>	
<b>Old Business</b>	Much discussion was held on the February 6, 2014, For Love of Water (FLOW) meeting: <ul style="list-style-type: none"> <li>• Would like to have trucks bonded to cover potential road repair needs and have County Road Commission in control of this issue</li> <li>• Our water table levels should also be under County review</li> </ul>	

# Conway Township Planning Commission Meeting Minutes

## February 10, 2014

Agenda	Items Discussed	Actions to be Taken
	<ul style="list-style-type: none"> <li>• Ask Kathleen Kline-Hudson of the Livingston County Department of Planning to be involved in these issues</li> <li>• Look into noise restrictions, but be concerned about farming operations, airplanes, and all other potential noise sources</li> </ul>	
<b>New Business</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin introduced the Fracking Advisory Committee: Kim, Bob, Jeff and Jim</li> <li>• Bill Call, Zoning Administrator for Handy Township, introduced himself as the potential new Conway Township Zoning Administrator, starting March 1<sup>st</sup> and appears he will very beneficial to Conway Township</li> <li>• George Pushies made a motion to approve the buying and selling of firearms only for Freedom Firearms, LLC, (Edward Thomas) at 9211 Nicholson Road, Parcel No. 4701-17-400-010. Scott Buell second. Five in favor. Larry Parsons abstained. Motion Passed.</li> </ul>	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>• Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	<ul style="list-style-type: none"> <li>• Kim Joliff informed every one of the upcoming Community Spaghetti Dinner to be held February 16, 2014, at 2:00 p.m., at the Conway Township Hall</li> <li>• Kim also reported on the Township Emergency Preparedness Meeting, working on updating the asset list, and if any residents might need special help in the future</li> <li>• Herm Yost informed everyone that the Weather Spotter Training is coming soon.</li> </ul>	
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>• Dennis Sommer reported that the Michigan Supreme Court ruled February 6, 2014, that based on federal law, local ordinances cannot ban medical marijuana</li> </ul>	
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 9:16 p.m.</li> </ul>	



Conway Township Planning Commissioner

Sign in Sheet

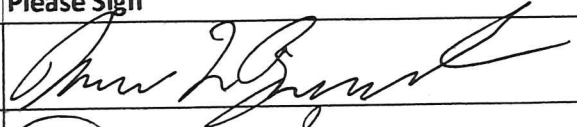
Meeting

Date: 2/10/14

Member Names

Please Sign

Dennis Bowdoin



Dennis Sommer



Mike Stock

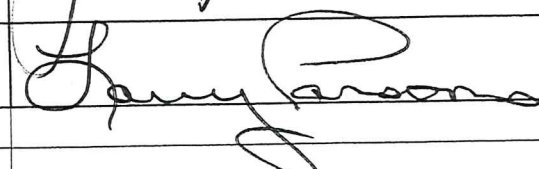
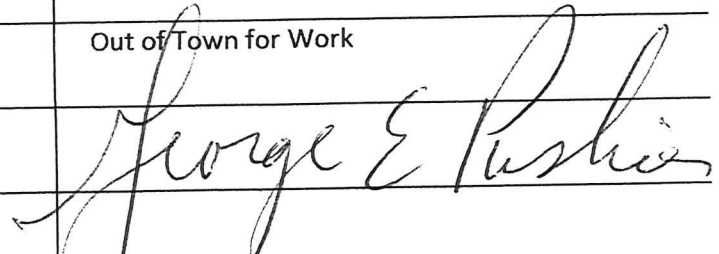
Londa Horton

Out of Town for Work

George Pushies

Scott Buell

Larry Parsons



absent



Gave  
Original

To  
Cindy

For Londa

SEARS INDUSTRIAL SALES  
1-800-776-8666

## **Planning Commission Minutes 2.7.14 Date fixed**

Helicopter Air Speciality Service [dennisb@cac.net]

**Sent:**Friday, February 07, 2014 12:26 PM

**To:** Debbie Grubb [Treasurer@conwaytownship.com]; Abby Cooper [ABBY@crlaw.biz]; Cindy Dickerson [cindy@conwaytownship.com]; Denny Sommer [denny.sommer@live.com]; George Pushies [pgejp@hotmail.com]; Helicopter Air Speciality Service [dennisb@cac.net]; Jeff Soli [jmctjs2000@yahoo.com]; Larry Parsons [lvparsons@fnwusers.com]; Londa Horton; Mike Rife [mike.rife@gmail.com]; Mike Stock [mcaemstock@gmail.com]; Scott Buell [sbuell@ymail.com]

Conway Township joint Planning Commission & Board of Trustee's Meeting

Feb. 6, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, Dennis Sommer, George Pushies, Londa Horton

Informational meeting at the Fowlerville High School, presentation by For the Love of Water (FLOW)

George Pushies asked one question of Jim Olson, Chair of FLOW.

Submitted by

Dennis Bowdoin Planning Commission Chair

2/7/14



Conway Township joint Planning Commission & Board of Trustee's Meeting  
Feb. 18, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Township Board voted to give all the Commissioner's a \$10.00 per meeting raise

Supervisor Rife asked if Dennis Sommer got his Master Planner credentials. If so the Township could get a rebate on the insurance premium.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
2/19/14



ADVANCING PUBLIC TRUST SOLUTIONS  
TO SAVE THE GREAT LAKES

*Emerson Lawyer* } *Traverse - Debbie Grubb*  
*Liz Berkwood - Ex Dir. Flow*  
*Jim Olean - Chris*  
*Traverse City*

## LEGAL STRATEGIES AND TOOLS TO EMPOWER LOCAL COMMUNITIES AGAINST POTENTIAL RISKS AND IMPACTS FROM UNCONVENTIONAL HORIZONTAL FRACKING

The Great Lakes deserve great laws; the public trust is a key legal principle that empowers citizens and governments to protect our waters as a commons, owned and shared by the public for the use and enjoyment of all. FLOW (“For Love of Water”) has been working since 2011 to advance public trust solutions to address the systemic threats facing the Great Lakes. One recent threat to our waters has centered on the extraction process of deep oil and natural gas formations within the Great Lakes Basin.

**HYDRAULIC FRACTURING, OR “FRACKING,” IN MI**  
High volume hydraulic fracturing, “HVHF” or fracking for short, is an unconventional method of extracting natural gas from deep shale rock formations.

Spanning across Michigan’s Lower Peninsula, the Collingwood/Utica deep shale, and A-1 Carbonate oil and gas formations are notably different than the Antrim shale formation developed in the late 1980s/early 1990s. Here are some key differences:

- **Depth:** The Collingwood/Utica/A-1 Carbonate geologic formation ranges from 5,000 to 10,000 feet deep, compared to the relatively shallow Antrim deposit, which is 600 to 2,000 feet deep.
- **Horizontal Drilling:** The Collingwood/Utica/A-1 Carbonate require unconventional horizontal drilling and fracking to capture the trapped natural gas as opposed to the Antrim’s vertical and slant drilling to tap isolated “reservoirs” of oil or gas.
- **Water Use:** Deeper geologic formations can require up to 30 million gallons of water and chemical/sand mixtures or more than 1,000 times more than used in a vertical or typical shallow Antrim well (30,000 gallons of water per well). Unlike normal water use where water returns to the watershed, “frack” water is permanently removed from the water cycle – remaining partially in the fracked formation with some 30 % flowback discharged into deep injection waste wells.

### POTENTIAL RISKS AND IMPACTS OF FRACKING

A review of literature on fracking and its associated risks reveals several concerns: massive water withdrawals; surface and groundwater contamination; surface spills and leaks; wastewater management; land use impacts; truck traffic and burden on infrastructure; lack of public disclosure; air pollution; and noise.

### OUR LOCAL GOVERNMENT ORDINANCE PROGRAM

Since 2010, Michigan has experienced a flurry of fracking activity on both private and state leased lands. Early on, FLOW recognized a growing and urgent need to develop sound legal strategies and policies for local governments to safeguard their communities against the unprecedented, large, and cumulative impacts of fracking. FLOW’s Local Government Ordinance Program intends to empower citizens and local governments with existing legal strategies and tools and address the industrial-scale impacts of fracking.

### LEGAL OVERVIEW: WHO IS IN CHARGE?

Citizens and communities located in Michigan’s oil and natural gas-rich basin have good reason to be concerned about the risks fracking poses to state waters and other natural resources.

- The natural gas and oil industry is largely exempt from key federal environmental laws, including the Safe Drinking Water Act and Clean Water Act.
- States thus are primarily responsible for regulating fracking activities. Yet, this industry is largely exempt from key water statutes like Michigan’s codification of the Great Lakes Compact, which regulates surface and ground waters.
- Under Michigan’s Great Lakes Compact statute, local governments are expressly prohibited from enacting an ordinance that regulates a large quantity withdrawal (> 100,000 gallons per day).
- Under Michigan’s Zoning Enabling Act, local governments also are prohibited from enacting or enforcing an ordinance that regulates permit issues related to the location, drilling, operation, completion, or abandonment of oil and gas wells.

- moratorium some period of time to study  
impacts

- flow back is fine - test & put  
on records

- and potential venting can be regulated

- need a H<sub>2</sub>O yield test well - & show

how much H<sub>2</sub>O does farmer need in summer

- compulsory pooling - can force  
you to use 40 acres to get the  
130 acres to drill.

- can require bonds & indemnities to cover  
to well

- if you regulate it, it has to be fair

- do you want to spend \$ to enforce  
the ordinances.

If the federal government has deferred regulation of the oil and gas industry to the states, and the states have exempted the industry, and the local governments are prohibited from regulating the actual wells, *then who is regulating this industry? What can citizens and local governments do?*

#### **LOCAL ZONING AND POLICE POWER ORDINANCES**

One approach townships, cities, and counties can take is to adopt carefully crafted zoning or police power ordinances to protect Michigan's air, water, resources, and property and the health, safety, and welfare of residents and communities from the unprecedented impacts and harmful risks of fracking and related oil and gas drilling processes.

The two principle statutes delegating local government legal authority to address oil and gas development like hydraulic fracturing and related processes include the Michigan Zoning Enabling Act of 2006 and the Township Ordinance Act of 1945. Both Acts provide townships and counties legal authority to adopt either zoning ordinances that govern *land use or police power ordinances* that govern health, safety, and pollution issues associated with unconventional hydrocarbon development (e.g., massive water withdrawals, transportation, handling, and disposal of contaminated fracking wastewater).

Despite the Zoning Enabling Act's prohibition to regulate oil and gas wells or operations, townships do maintain some zoning authority to regulate related oil and gas activities, such as natural gas pipelines, flow lines, gathering lines, treatment or production facilities, or compressors, water and chemical mixing stations, emission releases, high truck traffic and transportation issues, land impact, odors, noise, and handling, reuse, and disposal of wastewater, and hazardous solids or liquids.

The Township Ordinance Act authorizes a township to adopt police power ordinances, which are distinct from zoning ordinances, because they can only regulate harms and activities rather than land uses. Thus, townships could adopt police power ordinances that reasonably relate to the transport, disposal, and

transfer, diversion, use, or handling of "produced" water and chemical mixing for fracking.

#### **MICHIGAN ENVIRONMENTAL PROTECTION ACT**

MEPA empowers each citizen of this State to act as a private attorney general "for the protection of the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction." MEPA applies to oil and gas orders, permits, and proposed projects unless there exists "no feasible and prudent alternative." MEPA applies to agency actions approving, licensing, or permitting conduct likely to harm, impair, pollute, or destroy the "air, water, natural resources, or public trust" in those resources. MEPA is applicable at some stages in the local zoning process because zoning, as it authorizes land use, can ultimately affect natural resources.

Citizens can apply MEPA to intervene in permit and other government proceedings by both statute and common law authority. Townships can apply MEPA to amend and incorporate MEPA duties and standards into their existing zoning or police power ordinances.

#### **FRACKING MORATORIUM AND BAN ORDINANCES**

Another successful local strategy adopted by some townships is to enact a fracking moratorium ordinance that delays oil and gas exploration for a finite period of time (e.g. 6-12 months) so that the local government can study potential impacts. The Townships of West Bloomfield, Cannon, and Courtland in Michigan adopted moratoriums to fully explore the potential irreparable harm to the natural resources and environment within the townships.

If not drafted carefully, fracking ban ordinances may be more prone to claims of invalidity because they totally prohibit a land use within the township, which violates "exclusionary" zoning principles. In late 2012, the New York State Supreme Court invalidated the ban ordinance of City of Binghamton, New York. However, by tailoring an ordinance to a specific geological formation or a specific geographical area, townships may avoid the argument that there has been an outright prohibition of oil and gas development per se and categorical "takings" claims from the oil and gas industry.

*FLOW is a 501(c)(3) nonprofit organization. Our mission is to advance public trust solutions to save the Great Lakes. Through our law and policy work, FLOW is raising public awareness about the public trust doctrine and its principles as a unifying framework to protect the commons and address systemic threats to water, public lands, and environment throughout the Great Lakes.*

Concentrations  
& Quantities  
Chemicals - we  
cannot see -  
feel, taste

- 60,000 oil & gas wells since 1925
- 55 permitted fracking wells in Mich.
  - 17 pending
  - 10 producing
- 2 miles deep & 2 miles across.
  - 21 mil. gallons of H<sub>2</sub>O used per well.
- 5% additives (hydrochloric, acetic & muriatic acid)
  - 29 Carcinogens in additive
- 4.5 mil acres of Mich. land is leased.

Ground H<sub>2</sub>O PA, WY, TX, CO

Contamination in PA

- earthquakes - OH & OKL. - deep injection wells.
- Silica dust particles - sand separate
- Shale = H<sub>2</sub>O
- H<sub>2</sub>O is contaminated & permanently lost.

What can local Govt do?

- 1) meet standards of special use permits - sight plans
- 2) nuisance ordinance - can regulate noise, odor, pollution, chemical disclosure.
- 3) need consent to transport on our roads, backing plan, insurance.
- 4) Zoning Enabling Act 2006 - local Govt prohibited from regulating location, drilling, completion, or operation of oil & gas wells.
- 5) we can demand site & development plans (ancillary uses) - pumps, treatment, storage, disposal, flow lines.
- 6) odor, light, dust, noise - use police power
- 7) environmental impact statement - we can require it in special use permits. - Environmental Protection Act of 1971

LAND DIVISION ASSESSOR'S CHECK LIST

1. Parcel Number 4701-03-100-015
2. Owner of record \_\_\_\_\_
3. Parent Parcel Number \_\_\_\_\_
4. Owner as of 3-31-1997 Paul & Dennis Konczal
5. Parent Parcel Acreage \_\_\_\_\_
6. Current Parcel Acreage \_\_\_\_\_
7. Divisions available as of 3-31-1997 10
8. Previous Divisions Taken 8
9. Divisions Available 3 7
10. Divisions Requested 1
11. Assessor's Plat Showing All Parent Parcel (s) \_\_\_\_\_
12. All Previous Divisions of Parent Parcel Made After 3-31-1997  
8
13. Divisions Approved 1

Signed Karen A. Page Date 12/31/2013  
Conway Township Assessor

7 redivisions allowed after  
10 years.  
These fall under redivisions

SELLER:  
FILLS-OUT  
NEXT 3 PAGES

CONWAY TOWNSHIP  
8015 N Fowlerville Road  
PO Box 1157  
Fowlerville MI 48836  
Phone 517-223-0358  
Fax 517-223-0533

### PARCEL DIVISION APPLICATION

Please answer all questions and include all attachments.  
Bring or mail to Conway Township at the above address. Must arrive 14 calendar days prior to the next scheduled Planning Committee meeting.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)  
This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 and P.A 87 of 1997, MCL560.101 et. seg)  
(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: 11573 Road Name Fowlerville Rd

PARENT PARCEL IDENTIFICATION NUMBER: 4701-03-100-015

Parent Parcel Legal Description (DESCRIBE OR ATTACH)  
\_\_\_\_\_  
\_\_\_\_\_

2. PROPERTY OWNER INFORMATION:

Name: PAUL GRILL Address: 3663 LOVEJOY BIRCH, MI. 48418  
Phone: (517) 223-9240 Zip code: 48418

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels 1
- B. Intended use (Residential, Commercial, etc.) Agriculture
- C. Each proposed parcel has depth to width ration of 4 to 1 or \_\_\_ to \_\_\_ as provided by ordinance.
- D. Each parcel has a width of \_\_\_\_\_ (not less than required by ordinance)
- E. Each parcel has an area of \_\_\_\_\_ (not less than required by ordinance)
- F. The division of each parcel provided access as follows: (Check one)
  - Each new division has frontage on an existing public road. Road Name Fowlerville
  - A new shared driveway with attached maintenance agreement
  - A new private road with attached maintenance agreement. Proposed Road Name \_\_\_\_\_

G. Describe or attach a legal description of proposed new road, easement or shared driveway: \_\_\_\_\_

H. Describe or attach a legal description for each proposed new parcel. \_\_\_\_\_

**4. FUTURE DIVISIONS** being transferred from the parent parcel to another parcel.

Indicate number transferred ONE

(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109(3 & 4) of the Statute.)

**5. DEVELOPMENT SITE LIMITS** (Check each which represents a condition which exists on the parent parcel:

- Waterfront Property (river, lake, pond, etc.)       Includes wetlands  
 Is within a flood plain       Includes a beach  
 Is a muck soils or soils known to have severe limitation for a site sewage system.

**6. ATTACHMENTS:** All the following attachments **MUST** be included. Letter each attachment as shown:

A. A scale drawing-not smaller than 1" to 100' for the proposed division(s) of the parent parcel showing:

1. Current boundaries (as of March 31, 1997), and
2. All previous divisions made after March 31, 1997 (indicated when made or none), and
3. The proposed division(s) and
4. Dimensions of the proposed divisions, and
5. Existing and proposed road/easement right-of-way(s), and
6. Easements for public utilities from each parcel that is a development site to existing public utility facilities, and
7. Any existing improvements (buildings, wells, septic systems, driveways, etc.) and
8. Any of the feature checked in question number 5.

B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation.

Or respective city/village street administrator, that a proposed easement provides vehicular Access to an existing Road or street meets applicable locations standards.

C. A copy of any reserved division rights (Sec. 109(2) of the act) in the parent parcel.

D. A current paid Tax Bill. (LAND DIVISION WILL NOT HAPPEN UNTIL ALL TAXES ARE PAID ON PARENT PARCEL)

E. A signed statement from the Township Assessor that the resulting parcels can be given a SID number.

**7. IMPROVEMENTS-** Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none.)

NO NEW IMPROVEMENTS



**8. ACKNOWLEDGEMENT** – The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcel(s). The division should be recorded with the Liber and Page number on the survey.

\* Property Owner's Signature Paul R. Skill Date: DEC 31<sup>ST</sup>, '13

\* Co-Owner's Signature [Signature] Date: DEC 31<sup>ST</sup>, '13

For office use only:

Signature: \_\_\_\_\_ Application Completed Date: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Denial Date: \_\_\_\_\_ Reason for denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Or please see attached for explanation of denial.

MESSAGE TO TAXPAYER

CONWAY TOWNSHIP TREASURER - DEBRA GRUBB
8015 N FOWLERVILLE ROAD PO BOX 1157
PHONE 517-223-0358
HOURS TUE 1:00PM-3:00PM WED 9:00AM-3:00PM
WHEN REQUESTED, A COPY OF YOUR TAX BILL WILL
BE SENT TO YOUR MORTGAGE COMPANY.

PAYMENT INFORMATION

THIS TAX IS DUE BY: 02/28/2014

PAYMENT CAN BE MADE AT THE FOLLOWING FOWLERVILLE
BANKS - FIRST MERIT AND FIRST NATIONAL. A RECEIPT
WILL BE MAILED. PAYMENT CAN BE MADE AT CONWAY
TOWNSHIP HALL TUESDAY BETWEEN 1PM AND 3PM AND
WEDNESDAY FROM 9AM TO 3PM. A DROP BOX IS LOCATED BY
THE FRONT DOOR OF THE HALL FOR YOUR CONVENIENCE.

PROPERTY INFORMATION

Property Assessed To:
GFRILL, PAUL R & MARY
11573 FOWLERVILLE ROAD
FOWLERVILLE, MI 48836

Prop #: 4701-03-100-015 School: 47030
Prop Addr: 11573 FOWLERVILLE

Legal Description:

SEC 3 T4N R2E S 80 AC OF NW FRL 1/4, EXC BEG AT W1/4 COR, TH
N01°36'40"W 430 FT TH E 1050 FT, TH S50°57'51"E 395.24 FT, TH
S01°36'40"E 180.98 FT, TH W 1350 FT TO BEG. 65.73 AC M/L SPLIT 7/99
FROM 003.

TAX DETAIL

Taxable Value: 70,760
State Equalized Value: 119,360 Class: 101
P.R.E. %: 100.0000 Mort Code:

Taxes are based upon Taxable Value.
1 mill equals \$1.00 per \$1000 of Taxable Value.
Amounts with no millage are either Special
Assessments or other charges added to this bill.

Table with 3 columns: DESCRIPTION, MILLAGE, AMOUNT. Includes items like COUNTY AMBULANCE, HCMA - PARKS, FO SCHOOL OPER, etc.

As Of March 1st, All Or Part Of Your Prior Year Taxes Were
Returned Delinquent To The County. For More Information
Please Call The County Treasurer (517) 546-7010.

OPERATING FISCAL YEARS

The taxes on bill will be used for governmental
operations for the following fiscal year(s):

County: 01-01-13 - 12-31-13
Twn/Cty: 04-01-13 - 03-31-14
School: 06-01-13 - 06-01-14
State: 10-01-13 - 09-30-14

Does NOT affect when the tax is due or its amount

Summary table with columns: Description, Amount. Includes Total Tax (14.69420), Administration Fee (10.39), TOTAL AMOUNT DUE (1,050.11), BALANCE DUE (1,050.11).

Please detach along perforation. Keep the top portion.

PLEASE RETURN THIS PORTION WITH PAYMENT. THANK YOU.

THIS TAX IS DUE BY: 02/28/2014

After 02/28/2014 additional interest and fees apply

2013 Winter Tax for Prop #: 4701-03-100-015

Pay this tax to:
CONWAY TOWNSHIP
PO BOX 1157
FOWLERVILLE MI 48836

TAXPAYER NOTE: Are your name & mailing address correct?
If not, please make corrections below. Thank You.

Make Check Payable To: CONWAY TOWNSHIP

Property Addr: 11573 FOWLERVILLE

TOTAL AMOUNT DUE: 1,050.11

Amount Remitted:

To: GFRILL, PAUL R & MARY
11573 FOWLERVILLE ROAD
FOWLERVILLE MI 48836



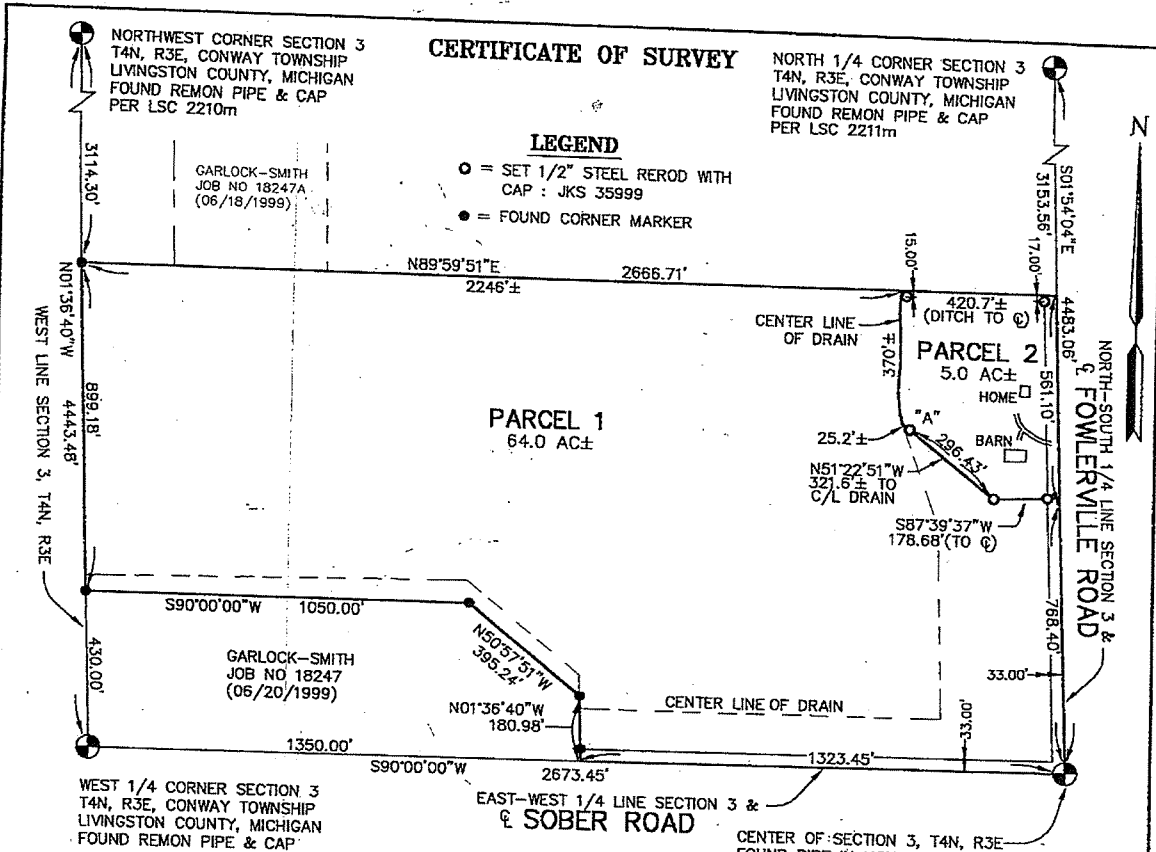
# CERTIFICATE OF SURVEY

NORTHWEST CORNER SECTION 3  
T4N, R3E, CONWAY TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN  
FOUND REMON PIPE & CAP  
PER LSC 2210m

NORTH 1/4 CORNER SECTION 3  
T4N, R3E, CONWAY TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN  
FOUND REMON PIPE & CAP  
PER LSC 2211m

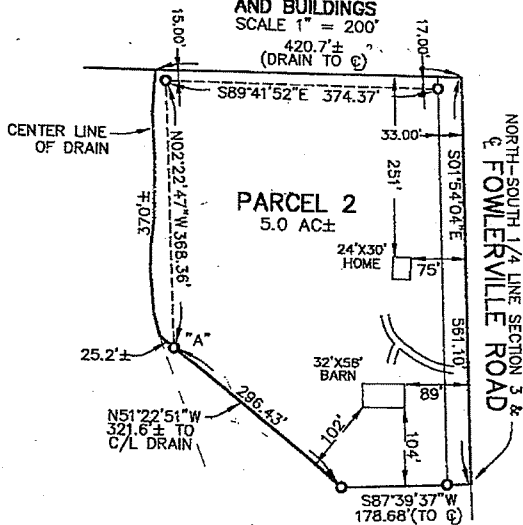
### LEGEND

- = SET 1/2" STEEL REROD WITH CAP : JKS 35999
- = FOUND CORNER MARKER



### DETAIL OF PARCEL 2 AND BUILDINGS

SCALE 1" = 200'  
(DRAIN TO ☉)



CENTER OF SECTION 3, T4N, R3E  
FOUND PIPE IN MON BOX  
WITNESSES (DESINE 2000):  
S45°E 44.63' N/T N. SIDE 28" PINE  
S70°E 66.30' N/T S. SIDE 18" TRIP. MAP.  
S70°W 65.19' N/T N. SIDE 10" PINE  
N65°W 66.61' SE. COR. AMERITECH BOX

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREIN PLATTED AND/OR DESCRIBED ON 07/31/2013, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/7,500 OR BETTER, AND THAT ALL OF THE REQUIREMENTS OF ACT NO. 132, P.A. 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

NOTE: BEARINGS ARE BASED ON A PREVIOUS SURVEY

CLIENT: **PAUL GRILL** SCALE: 1" = 400'

SECTION: 3 TOWN: 4 NORTH RANGE: 3 EAST  
CONWAY TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN

*Paul Grill*  
JACK K. SMITH  
PROFESSIONAL SURVEYOR No. 35999

DATE: 08-01-2013	CREW: CT/DJS
BOOK NO. 213 PG 30	COMP: JKS
	DRAWN: JKS
SHEET 1 OF 2	REV:

**GARLOCK-SMITH**  
**PROFESSIONAL SURVEYORS**  
516 EAST GRAND RIVER  
HOWELL, MICHIGAN 48843  
(517) 546 - 3340  
FAX: (517) 546 - 2941



**LEGAL DESCRIPTIONS:**

**PARCEL 1 - 64.0 ACRES**

COMMENCING AT THE WEST 1/4 CORNER OF FRACTIONAL SECTION 3, T4N, R3E, CONWAY TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N01°36'40"W 430.00 FEET ALONG THE WEST LINE OF SAID SECTION FOR A PLACE OF BEGINNING; THENCE CONTINUING N01°36'40"W 899.18 FEET ALONG SAID WEST LINE; THENCE N89°59'51"E 2246 FEET, MORE OR LESS TO A POINT ON THE CENTER LINE OF AN EXISTING DRAIN; THENCE SOUTHERLY 370 FEET, MORE OR LESS ALONG THE CENTER LINE OF SAID DRAIN; THENCE S51°22'51"E 25.2 FEET, MORE OR LESS TO "POINT A" A POINT ON A REFERENCE TRAVERSE LINE; THENCE CONTINUING S51°22'51"E 296.43 FEET; THENCE N87°39'37"E 178.68 FEET; THENCE S01°54'04"E 768.40 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 3 AND THE CENTER LINE OF FOWLerville ROAD TO THE CENTER OF SAID SECTION 3; THENCE S90°00'00"W 1323.45 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3 AND THE CENTER LINE OF SOBER ROAD; THENCE N01°36'40"W 180.98 FEET; THENCE N50°57'51"W 395.24 FEET; THENCE S90°00'00"W 1050.00 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 3, T4N, R3E, CONWAY TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 64.0 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EASTERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FOWLerville ROAD, ALSO BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY SOBER ROAD, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

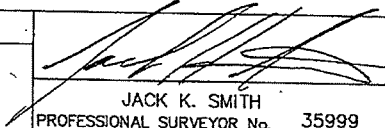
**PARCEL 2 - 5.0 ACRES**

COMMENCING AT THE WEST 1/4 CORNER OF FRACTIONAL SECTION 3, T4N, R3E, CONWAY TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N90°00'00"E 2673.45 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION AND THE CENTER LINE OF SOBER ROAD TO THE CENTER OF SAID SECTION; THENCE N01°54'04"W 768.40 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION AND THE CENTER LINE OF FOWLerville ROAD FOR A PLACE OF BEGINNING; THENCE S87°39'37"W 178.68 FEET; THENCE N51°22'51"W 296.43 FEET TO "POINT A" A POINT ON A REFERENCE TRAVERSE LINE; THENCE CONTINUING N51°22'51"W 25.2 FEET, MORE OR LESS TO THE CENTER LINE OF AN EXISTING DRAIN; THENCE 370 FEET, MORE OR LESS ALONG THE CENTER LINE OF SAID DRAIN; THENCE N89°59'51"E 420.7 FEET, MORE OR LESS TO A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION AND THE CENTER LINE OF FOWLerville ROAD; THENCE S01°54'04"E 561.10 FEET ALONG SAID 1/4 LINE AND CENTER LINE TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 3, T4N, R3E, CONWAY TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 5.0 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EASTERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FOWLerville ROAD, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

CLIENT: **PAUL GRILL**

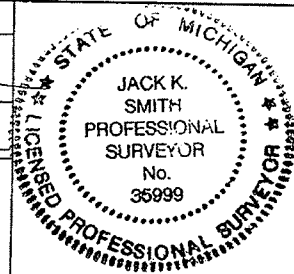
SECTION: 3 TOWN: 4 NORTH RANGE: 3 EAST

CONWAY TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN

  
JACK K. SMITH  
PROFESSIONAL SURVEYOR No. 35999

DATE: 08-01-2013	CREW: CT/DJS
BOOK NO. 213 PG 30	COMP: JKS
	DRAWN: JKS
SHEET 2 OF 2	REV:

**GARLOCK-SMITH**  
**PROFESSIONAL SURVEYORS**  
516 EAST GRAND RIVER  
HOWELL, MICHIGAN 48843  
(517) 546 - 3340  
FAX: (517) 546 - 2941



# Conway Township Planning Commission Meeting Minutes

## March 10, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>Public: Herman and Shirley Yost, Bob Carusi, Kim Joliff, Bill Call, and Cindy Dickerson, Township Clerk</li> <li>Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, and Mike Stock. Dennis Bowdoin, absent.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	Vice Chair, Dennis Sommer called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is April 14, 2014, at 7:30 p.m.	
<b>Roll Call and Sign In</b>	Dennis Sommer conducted roll call of all Planning Commissioners. Dennis Sommer, Mike Stock, George Pushies, Scott Buell, Larry Parsons, Londa Horton. Dennis Bowdoin, absent. All Commissioners present signed in.	
<b>Minutes from last meeting</b>	Larry Parsons made a motion to accept the Planning Commission Meeting minutes from February 10, 2014. Second by Scott Buell. All in favor. Motion Passed.  Larry Parsons made a motion to accept the meeting minutes from the February 18, 2014, Joint Meeting. Second by Scott Buell. All in favor. Motion Passed.	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	<ul style="list-style-type: none"> <li>Cindy Dickerson reported on the hydraulic fracking meeting on Thursday, March 13 from 7-9pm at Brighton Remax.</li> <li>Dennis Sommer reported on Ottawa County land use regulations meeting March 20 from 6:30-8pm. Also there is an Emergency preparedness meeting April 2, and on March 19 a Renewable Energy meeting at MSU from 6-8pm.</li> <li>Dennis Sommer also reported out on a conversation with Supervisor Mike Rife that the Shiawassee Watershed Plan Workshop will be March 13 from 6-9pm at the Fenton Community Center, and that the disclosure is off on the Sherwood property that was fracked. It was found that the A1 carbon was tight.</li> </ul>	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>Regarding Parent Parcel No. 4701-03-100-015 at 11573 N. Fowlerville Road by Paul Grill. George Pushies made a motion to table this request until additional information is received including the site distance and clarification of the original parent parcel on the assessors platt on the land 4701-03-100-015. Mike Stock second. All in favor. Motion passed.</li> </ul>	<b>Site distance and parent parcel clarification needed</b>

# Conway Township Planning Commission Meeting Minutes

## March 10, 2014

Agenda	Items Discussed	Actions to be Taken
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<b>New Business</b>	<ul style="list-style-type: none"> <li>April 8 at 6:30pm at the Township Hall is the next meeting of FLOW.</li> <li>Kim Jolliff reported from the Fracking Advisory Committee that they have reviewed and made suggestions regarding our Township ordinances. They will present those suggestions at next Tuesdays' Board meeting.</li> <li>Dennis Sommer attended the Gas Pipeline Safety meeting. Farmers should be aware when tilling fields of the potential of unearthing gas pipes as their equipment now digs deeper furrows. Call Ms. Digg at 811 for questions or concerns.</li> <li>Dennis Sommer reported out on the 2/12/14 Brown Bag DEQ luncheon.</li> </ul>	<b>April 8 FLOW meeting</b>
<b>Old Business</b>	-0-	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>		
<b>General Discussion</b>		
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>Larry Parsons made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 8:56 p.m.</li> </ul>	



To: Conway Township Board Members  
From: Conway Township Resident Advisory Committee  
RE: Ordinance Suggestions Proposal  
Date: March 18, 2014

We are presenting a comprehensive proposal, listing over 75 suggestions of possible ordinance recommendations for Conway Township. The suggestions are focused on unconventional hydraulic fracturing used for oil and natural gas exploration and production.

Our goal was to remain broad in our vision and descriptions as not to be exclusionary with current and future business opportunities and land uses. Our purpose was to provide ideas of possible fracking regulations to be included in our ordinances.

We wish to commend the Board for their foresight in partnering with FLOW. We are hopeful you will review all of the suggestions and forward them to FLOW for consideration before the meeting scheduled for April 8, 2014. We strongly believe township officials can facilitate some of these ideas and regulate aspects of the ancillary fracking operations and take back control in our township.

We respectfully request a moratorium on unconventional hydraulic fracturing in Conway Township, Michigan to provide adequate time for review of ordinance suggestions and research on the effects of fracking. Natural resources, private property, and citizens should be protected from potentially disastrous consequences of hydraulic fracturing and we need time to study all of the aspects to confirm they are not harmful.

We ask that you work towards keeping and respecting the Conway Township way of life:  
Rural, agriculturally based and family oriented.

Thank you in advance for your time and consideration.

Sincerely,

The Conway Township Resident Advisory Committee

Bob Carusi  
Jeff Hodge  
Jim Jabara  
Kim Jolliff



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# Ordinance Suggestion Proposal for Conway Township, Michigan

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**Regarding Unconventional Drilling for Oil and Natural Gas using  
High-Volume, High-Density Hydraulic Fracturing**

Presented to the Conway Township Board on  
March 18, 2014

Recommended by the Conway Township Resident Advisory Committee

# Ordinance Suggestions for Conway Township, Michigan

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The headings within the list are for organizational purposes. The ordinance suggestions are meant to be as broad as possible related to the subject of high-volume, high-density hydraulic fracturing for oil and natural gas.

## **Our Rights:**

- Protection of Conway Township resident's health, safety, welfare and quality of life.
- Protection and conservation of Conway Township's environment, natural and wildlife resources.
- Rights of the Citizens - to be informed by a public hearing of every non-water well drilling proposal and permit.

## **Proposals:**

- To prohibit HD/HF drilling within 1 mile of Conway Township residents homes.
- A moratorium on permits for the purpose of hydraulic fracturing. This will afford time for further study the effects of fracking and to develop ordinances regarding regulation of ancillary aspects of the process.
- For residents not to be subjected to repeated solicitation and harassment by the lease agents i.e. Landman, after declining leases and communicated intentions of not signing.
- Public hearing for any and all development of Township owned property. Public hearing before the signing of any lease agreement by Township officials. Advertise notice of public hearings in the newspaper.
- Limit and discourage industrial development and activities that include industrial processes. Keep Conway Township rural and agriculturally based.
- Assure environmental justice for clean air.
- Develop a water protection fund for safe supplies of drinking water for the community. To protect for any unforeseen drinking water and natural resource damage associated with drilling for natural gas and oil.
- Include an environmental inventory in the Master Plan. Develop objectives and goals to protect surface and ground water quality.

## **Before Exploratory Drilling Begins:**

- Pre-notification of permit(s) to the township board before approval.
- Public Notice of permitted wells in Conway Township.
- Oil Company required to provide site plan to Zoning Administrator prior to exploratory drilling commences.
- Notice to Conway Township residents to have baseline water testing completed before exploratory drilling begins.
- Include Static Water Level Testing of wells as part of baseline water testing.
- Baseline water testing for residents within 2 mile of sites-well head and bottom-hole sites. Paid for by the oil company and residents get to choose their testing facility.
- Mailings to all residents in township possible emergency situations and hazards and evacuation precautions.
- Coordinate a special Community Advisory Committee to help the Board regarding this issue.
- The oil and gas company provide a third party safety company to provide hazardous emergency training for township officials and residents.

## Ordinance Suggestions for Conway Township, Michigan

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- Require emergency preparedness plan before drilling. Mock Disaster training provided by a third party safety company, funded by the oil company.
- Comprehensive evacuation plan in case of a hazmat accident.
- An escrow account setup by the oil and gas company to cover any possible accident or damage incurred expenses and/or costs.
- Road bond for future road repairs.
- Non-active wells not turned into active wells or injection wells.
- Site plan to include H2S monitoring. Require landowner to provide monitor and alarm system for public warnings and awareness. Have a third party audit recordings of data.
- Require Certificate of Liability Insurance for proof of coverage from all contractors on site and registered with Township Clerk.

### **During Exploratory Drilling Operations:**

- Transparency from the MDEQ. Reporting of a timeline of operations.
- On site H2S monitoring and alarm system for residents.
- Individual H2S monitors for residents with a one mile radius of site.
- No campers on site property.
- No residing on site property.
- No lights on during the night.
- Work hours limited to 7 am – 6 pm.
- Attractive nuisance, enticing and dangerous to some individuals.
- Additional paved stopping and turn lanes at the entrances of site.
- Proper road signage and flags at site entrance, i.e. “Trucks Entering”.
- Noise Ordinance = Special Use Permit.
- Need protocol or procedure to report situations and notification to the Township Supervisor: Hotline to Township, formal complaint procedures.
- Since a fault runs through Livingston County, a seismic activity monitor and warning system.

### **When Hydraulic Fracturing Commences:**

- Disclosure of chemicals used in the fracking process. Provide a chemical analysis of the fluid to be injected and describe the proposed “stimulation Program”.
- Any new chemicals to be utilized need to be disclosed to the public before usage.
- Develop and implement a spill prevention plan.
- Notification of spills to the township board, within 24 hours. Report spills of any and all sizes that threaten or impact any state water ways, resident’s water wells, occupied structures water wells, livestock or public areas and roads.
- Any diminution in water level or quality needs to be investigated within 10 days of report and determination of results completed with 30 days.
- Water Quality monitor for BTEX (benzene, toluene, Ethylbenzene, xlyenes).
- Prohibit drilling within 500 ft. of a private well and within 2000 ft. of public water supplies.
- Require trucking road routes disclosures.
- Regulation of transportation of chemicals, disclosure notices or manifests.

## Ordinance Suggestions for Conway Township, Michigan

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- No truck-idling to prevent fumes from affecting air quality.
- Lighting Ordinance for limited use for TBD days in a row and control of the direction of the lights.  
Exemption for agriculture.
- Proper placard of trucks hauling chemicals to the site and haul flow back material off of site.
- Tire washing stations for all the trucks (no run off allowed).
- Before trucks leave site, the tanker lines need to be cleaned and residue cleared and flushed into an onsite, fully contained and enclosed tank, to be treated as flow back material.
- Catch basins required underneath all storage tanks the same capacity as the tanks.
- Periodic water testing after hydraulic fracturing process commences. Every 3 months and funded by the oil and gas company and utilizing a third party water consulting company.
- Transportation of fracking chemicals ban.
- Open to periodic MIOSHA inspections.
- Disclosure of injection well sites and routes taken by the tanker trucks.
- Require enclosure (fencing) around site for safety.
- Monitoring and reporting of home values.
- No more than 1 active well site within township.
- Non-use of brine or flow back waste water on roads and not allowed to be used to put out fires by local fire department.
- Tanker inspections for corrosion or leaking.
- Transparency from the MDEQ. Reporting of a timeline of operations.
- On site H2S monitoring-alarms for residents.
- Test for NORM's.
- No campers on site property.
- No residing on site property.
- No lights on during the night.
- Work hours limited to 7 am – 6 pm.
- Attractive nuisance, enticing and dangerous to some individuals.
- Additional paved stopping and turn lanes at the entrances of site.
- More information posted and updated on the Conway Township website, i.e. – information on contract interpretation.
- No use of evaporation pits.

### **After Fracking is completed:**

- Removal of all equipment.
- Test for NORM's after drilling completion.
- Soil Testing-ph. levels, heavy metals, oil and grease content.
- Ensure proper treatment and disposal of radioactive waste.
- Annual water testing for resident's wells for a 20 year period after a producing well is plugged or capped.
- No burial of pit liners or chemicals.

**Help us protect the Conway Township way of life...now and in the future!**

Conway Township Planning  
Commissioner  
Sign in Sheet

Meeting

Date: 3/10/14

-

Member Names

Please Sign

Dennis Bowdoin	Out of Town for work
Dennis Sommer <i>Dennis Sommer</i>	
Mike Stock <i>Mike Stock</i>	
Londa Horton <i>Londa Horton</i>	
George Pushies <i>GEORGE E. PUSHIES</i>	
Scott Buell <i>Scott Buell</i>	
Larry Parsons <i>Larry Parsons</i>	

# Conway Township Planning Commission Meeting Minutes

April 14, 2014

Agenda	Items Discussed	Actions to be Taken
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<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Herman and Shirley Yost, Bob Carusi, Paul Grill, Kim Joliff.</li> <li>• Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Londa Horton, Scott Buell, Larry Parsons and Mike Stock.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is May 12, 2014. **Note time change to 7:00pm.	
<b>Minutes from last meeting</b>	Scott Buell moved to accept the minutes from the March 10 regular meeting, second by Dennis Sommer. All in favor. Motion passed. Larry Parsons moved to accept the minutes from the joint meeting on March 18, second by Scott Buell. All in favor. Motion passed. Minutes of the FLOW joint meeting were amended as George Pushies asked a question about land rights indemnification in Cannon Township. George Pushies moved to accept the minutes, second by Larry Parsons. All in favor. Motion passed.	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	Dennis Bowdoin discussed: <ul style="list-style-type: none"> <li>• Shiawassee County will be updating their Future Land Use Plan. Londa Horton will contact them and ask for a draft of this update.</li> <li>• A resident on Herrington Road will be requesting road work and approximately \$15,000 from Locke Township and the same from the Livingston County Road Commission for road repairs. The resident will be taking this issue to the Township Board.</li> <li>• In 2013 two percent of all sheriff calls were directed to Conway Township.</li> </ul>	<b>Londa to contact Shiawassee County for Future Land Use Plan update.</b>
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>• Regarding land division 4701-03-100-015 at 11573 Fowlerville Road owned by Paul Grill, Bill Call recommended that the Planning Commission approve the division. The driveway permit has not yet been obtained. Due to the new surveying methods using GPS there are 3.2 acres missing in the survey versus the previous method using rods. Paul Grill commented that one five acre division goes with the homestead. George Pushies moved to recommend the Board grant tentative approval given a review with the accessor and a site distance review, a revised application for one division, and redivision be repaired with no transfer division. Mike Stock second. All in favor. One abstain. Motion passed.</li> </ul>	

# Conway Township Planning Commission Meeting Minutes

## April 14, 2014

### Agenda

### Items Discussed

### Actions to be Taken

<b>Old Business</b>	<ul style="list-style-type: none"> <li>• Kim Joliff gave the Fracking Advisory Committee report. The Fracking Committee met April 1 and discussed more ordinance ideas. Additionally they discussed the moratorium in Cannon Township. May 6 is the next meeting. One citizen is drafting a letter to GeoSouthern asking them to meet with this Committee. Dennis Bowdoin thanked the Committee.</li> <li>• Dennis Bowdoin found 2-3 things the township could control such as soliciting and disclosure of information regarding the fracking operation.</li> <li>• Group discussion on the outcome of the latest FLOW meeting.</li> </ul>	
<b>New Business</b>	<ul style="list-style-type: none"> <li>• Scott Buell moved to change the Planning Commission meeting times to 7:00pm. Londa Horton second. All in favor. Motion passed. The May 12 meeting will begin at 7pm.</li> </ul>	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>• Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Call to Public</b>	<ul style="list-style-type: none"> <li>• Herm Yost brought up that the Board meeting time is wrong in the <i>Press and Argus</i>. Mike Stock commented that the website time is also incorrect and questioned if the correct time is on the Township door.</li> </ul>	
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>• Londa Horton commented on the huge wind turbine farm in Ithaca. George Pushies offered that the farm is all remote controlled from a virtual location.</li> <li>• Bob Carusi offered that during the May 10 township trash collection day, the Emergency Preparedness group will be present and offering assistance to any neighbors that may need a volunteer to check on them during emergencies. Bob is the new Lead for this group. Dennis Sommer asked if the Emergency Preparedness update could be posted in the spring newsletter.</li> <li>• Herm Yost commented that the 911 Chief Administrator at the county level resigned.</li> <li>• Londa Horton offered that the house that was falling down on the corner of Herrington and Chase Lake Roads into the road was being pushed over today.</li> </ul>	
<b>Adjournment</b>	<p>Scott Buell made a motion to adjourn. George Pushies second. All in favor. Motion passed. Meeting adjourned at 8:37pm.</p>	

## TOP 10 SUGGESTIONS FRACKING COMMITTEE

### Power Point Suggestions:

1. Oil Company required to provide site plan to Zoning Administrator prior to exploratory drilling commences.
2. Public Notice to Conway Township residents of permitted wells and to recommend baseline water testing including Static Water Level Testing completed before exploratory drilling begins.
3. Require emergency preparedness, plan before drilling, including a comprehensive evacuation plan in case of a hazmat accident. Hazardous emergency training for township officials and residents provided by a third party safety company and funded by the oil company.
4. An escrow account setup by the oil and gas company to cover any possible accident or damage incurred expenses and/or costs. Road bond for future road repairs and require Certificate of Liability Insurance for proof of coverage from all contractors on site and registered with Township Clerk.
5. Site plan to include water usage monitor, H2S monitoring and seismic activity monitor and warning system. Require landowner to provide monitor and alarm system for public warnings and awareness for residents. Have a third party company audit recordings of data.
6. Regulate on site property including the following:
  - No campers on site property.
  - No residing on site property.
  - No lights on during the night.
  - Work hours limited to 7 am – 6 pm
7. Disclosure of chemicals used in the fracking process. Provide a chemical analysis of the fluid to be injected and describe the proposed "stimulation Program".
8. Develop and implement a spill prevention plan. Report spills of any and all sizes that threaten or impact any state water ways, resident's water wells, occupied structures water wells, livestock or public areas and roads. Notification of spills to the township board, within 24 hours.
9. Tire washing stations for all the trucks (no run off allowed). Before trucks leave site, the tanker lines need to be cleaned and residue cleared and flushed into an onsite, fully contained and enclosed tank, to be treated as flow back material. Catch basins required underneath all storage tanks the same capacity as the tanks
10. TEST, TEST and TEST: Test flowback material for radioactivity. Ensure proper treatment and disposal of any radioactive waste. Test for NORM's after drilling completion include soil testing-ph. levels, heavy metals, oil and grease content. Air quality testing throughout the process. Annual water testing for resident's wells for a 20 year period after a producing well is plugged or capped.



**Londa Horton**

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**From:** Helicopter Air Speciality Service <dennisb@cac.net>  
**nt:** Wednesday, April 16, 2014 1:45 PM  
**To:** Scott Buell; Mike Stock; Mike Rife; Londa Horton; Larry Parsons; Helicopter Air Speciality Service; George Pushies; Denny Sommer; Debbie Grubb; Cindy Dickerson; Abby Cooper; Bill Call  
**Subject:** Planning Commission Minutes 4.15.14

Conway Township joint Planning Commission & Board of Trustee's Meeting  
April, 15,2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock,George Pushies

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Township Board approved the purchase of the newest edition of the planning law book.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
4/15/14

# COOPER & RIESTERER, PLC

Attorneys at Law

Telephone (810) 227-3103 Facsimile (810) 220-5968

Website: [www.crlaw.biz](http://www.crlaw.biz)

Catherine A. Riesterer  
[cathy@crlaw.biz](mailto:cathy@crlaw.biz)

Abby H. Cooper  
[abby@crlaw.biz](mailto:abby@crlaw.biz)

Briar Siljander  
[briar@crlaw.biz](mailto:briar@crlaw.biz)

April 11, 2014

## VIA EMAIL

Conway Township Board of Trustees  
c/o Mr. Mike Rife – Supervisor  
8015 N. Fowlerville Road  
P.O. Box 1157  
Fowlerville, MI 48836

**Re: Regulation/moratorium on activities ancillary to high volume hydraulic fracturing**

Dear Board Members:

As discussed at the end of this week's presentation from FLOW, I followed up with the MTA regarding statements made in this month's Michigan Township Focus article, *Drilling Down into the Fracking Debate*. Specifically, I inquired about MTA's position that activities ancillary to the drilling, completion, and operation of an oil and gas well cannot be regulated by a township through zoning but instead should be regulated through police power ordinances. I had a long discussion with Catherine Mullhaupt, Director of Member Information Services. She was intimately familiar with the issues, the MTA's official position, and much of the rationale behind that position. Ms. Mullhaupt confirmed that MTA's recommendation to Michigan townships is that these so-called "ancillary activities" should not be regulated through zoning ordinances because of the direct preemption contained in the MZEA (MCL 125.3205). A township's police power, however, is not subject to the same limitation and, therefore, police power ordinances are the best tool for a township to use in this area—but they should still be used with caution.

MTA's position clearly differs from advice the Township has been given by FLOW. As you know, I am scheduled to be out of town for the next week and therefore I have not had the opportunity to further discuss and research these issues. Further understanding and research is needed for me to properly advise the Board on the issue of the moratorium and regulation options in general.

The next stage in the Township's contract with FLOW is for FLOW to develop some specific recommendations for regulation through possible amendments to the Zoning Ordinance, existing/new police power ordinances, and additions to the Master Plan. I will discuss with Liz Kirkwood these

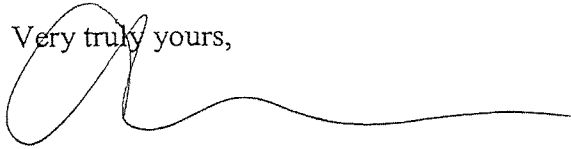
7960 Grand River, Suite 270, Brighton, MI 48114, Telephone: 810-227-3103, Facsimile: 810-220-5968

April 11, 2014  
Page 2

issues, which may affect how she focuses her work and recommendations. Feedback and direction from the Board on the substantive areas may also be helpful.

Please let me know if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Abby H. Cooper', with a long horizontal flourish extending to the right.

Abby H. Cooper

Enclosure

cc: Cindy Dickerson, Clerk via email  
Liz Kirkwood, FLOW via email

Conway Township joint Planning Commission & Board of Trustee's Meeting  
March. 18, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies, Scott Buel

Mike Stock requested a new Road Plan for Conway Township

George Pushies advised the Board that there is an interest in a park within the Township  
And Township property should be considered

Moratorium was discussed by George, the Board, and the Township attorney.

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Scott Buel asked if the Board had ever considered another millage for the roads

George requested a document from FLOW after our next meeting on the 8<sup>th</sup>.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
3/19/14



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**Planning Commission Minutes 4.9.14 revised**

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Helicopter Air Speciality Service <dennisb@cac.net>  
To: londahorton@gmail.com

Tue, Apr 15, 2014 at 7:23 AM

Conway Township joint Planning Commission & Board of Trustee's Meeting

April 8, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies, Scott Buel, Denny Sommer

Meeting was run by Liz from FLOW

Kim and Jeff from the Fracking committee presented their concepts and top 10 to the public and FLOW

Scott gave some information about the Brine being applied to the township roads.

FLOW will now give our board and township attorney their feed back and recommendations.

George Pushies asked a question about land right indemnification in Cannon Township

Submitted by

Dennis Bowdoin Planning Commission Chair

4/9/14



6659 N. Gregory Rd.  
Fowlerville, MI 48836  
April 16, 2014

RE: Shiawassee County Future Land Use Plan

To Peter Preston and Linda Gene Cordier,

I am writing on behalf of the Conway Township Planning Commission of Fowlerville Michigan. We would like to receive a draft and a final copy of your Future Land Use Plan. Thank you in advance for affording us this opportunity.

Respectfully,

Londa Horton  
Secretary, Conway Township Planning Commission



# Shiawassee County Community Development

3rd Floor • Surbeck Building • 201 N. Shiawassee St. • Corunna, MI 48817-1437  
Telephone: 989-743-2396 • Fax: 989-743-2393

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## NOTICE OF INTENT TO UPDATE

### SHIAWASSEE COUNTY'S FUTURE LAND USE PLAN

March 5, 2014

This letter is to inform you that Shiawassee County has begun the process to update our Future Land Use Plan. In accordance with the requirements of the Michigan Planning Enabling Act 33 of 2008, this letter will serve as notice to the neighboring local governments, local governments, cities and villages of our "Intent to Plan". Shiawassee County welcomes your cooperation and comments.

It is the intent to have the Plan updated over the course of the next twelve months and anticipate the plan to be completed in the spring of 2015.

If you would like to receive a "Draft" and/or "Final" copy of this Update, please contact the Shiawassee County Community Development Department by providing a formal request.

If you have questions regarding the draft plan, please feel free to contact this office. Office hours are Monday-Thursday, 8:00 A.M. – Noon and 1:00 P.M. – 5:00 P.M.

Sincerely,

Peter J. Preston  
Community Development Director

Linda Gene Cordier  
Zoning Administrator

cc: Shiawassee County Planning Commission  
Shiawassee County Zoning Board of Appeals





Londa Horton &lt;londahorton@gmail.com&gt;

## Contact List

1 MESSAGE

**Cindy Dickerson** <cindy@conwaytownship.com> Wed, Apr 2, 2014 at 9:52 AM  
To: Bill Call <BillCall@handytownship.com>, ABBY COOPER <ABBY@crlaw.biz>, treasurer <treasurer@conwaytownship.com>, Kate Ruttman <deputyclerk@conwaytownship.com>, Michael Rife <supervisor@conwaytownship.com>, Dennis Bowden <dennisb@cac.net>, Denny Sommer <denny.sommer@live.com>, George Pushies <pgejp@hotmail.com>, Larry Parsons <lparsons@fnwusers.com>, "londahorton@gmail.com" <londahorton@gmail.com>, Mike Stock <mcaemstock@gmail.com>, "Scott Buell (sbuell@ymail.com)" <sbuell@ymail.com>, "Brian E. Williams (williams.brian.edward@gmail.com)" <williams.brian.edward@gmail.com>, "Chris Swails (chrisswails@tds.net)" <chrisswails@tds.net>, Eric West <eric8181@freedomnet.org>, "Ty Cole (tyger@umich.edu)" <tyger@umich.edu>

Here is an updated contact list for everyone. If you see that your contact information is wrong please let me know.

**Also a note to the Board of Trustees:** as I was going through and updating the Planning Commissions appointments I noticed in the minutes of Dec 17 2013 there is a motion to re-appoint Scott Buell and Londa Horton. This is an error, Scott Buell was re-appointed on 12/20/2011 with George Pushies. The Dec 17, 2013 motion should have been for Mike Stock and Londa Horton. This will need to be corrected at the April Board meeting. Thank you Mike Stock for pointing this out.

Hope everyone is enjoying this spring weather that has finally arrived.

Cindy Dickerson, Clerk

Conway Township

clerk@conwaytownship.com

517-223-0358



Contacts 2014.docx

14K

# Conway Township Planning Commission Meeting Minutes

## May 12, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Jeff Hodge, Kim Joliff, Bob Coon, and numerous other residents.</li> <li>• Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is June 9, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners. Dennis Sommer, Mike Stock, George Pushies, Scott Buell, Larry Parsons, Londa Horton. All Commissioners present signed in.	
<b>Minutes from last meeting</b>	<p>Larry Parsons made a motion to accept the Planning Commission Meeting minutes from April 14, 2014. Second by Scott Buell. All in favor. Motion Passed.</p> <p>Larry Parsons made a motion to accept the meeting minutes from the April 15, 2014, Joint Meeting. Second by Mike Stock. All in favor. Motion Passed.</p>	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin reported that the Right to Farm Act for category 4 had changed. It does not allow for livestock in subdivisions.</li> <li>• Hamburg Township in Livingston County is reportedly the safest place to live in the area.</li> <li>• There will be a Brown Bag luncheon on May 28 from noon to 1pm at the EMS Training Facility. RSVP. A speaker will present on regional food systems.</li> </ul>	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>• -0-</li> </ul>	
<b>Old Business</b>	<ul style="list-style-type: none"> <li>• Kim Joliff gave an update on the Fracking Advisory Committee. They meet the first Tuesday of every month at 6:30pm. The next meeting is June 3.</li> <li>• Dennis Bowdoin commented on the DEQ meeting with regard to earthquakes being associated with disposal wells not fracking wells. Also if there is a two gallon spill or more, it has to be reported.</li> <li>• Dennis Bowdoin noticed while flying over the Sherwood fracking site that the containment pit had been concreted, a liner installed, and the area backfilled.</li> </ul>	

# Conway Township Planning Commission Meeting Minutes

## May 12, 2014

Agenda	Items Discussed	Actions to be Taken
<b>New Business</b>	<ul style="list-style-type: none"> <li>Dennis Bowdoin reported that it appears the AT&amp;T cell tower on the Dan Coon property will come back into play. According to Planning Commission notes from March 14, 2011, the Planning Commissioners postponed setbacks and screening. AT&amp;T has the required turnaround letter from the fire department. The first step will be for them to take the site plan and all documentation to Bill Call, the Zoning Administrator. He has an office in Handy Township. Larry Parsons will check on the monetary impact of having Bill check all documentation prior to presentation to the Commission.</li> <li>Dennis Bowdoin commented for clarification that township residents can build a barn such as a pole barn prior to building a residence (Zoning Ordinance 6.06A and 6.06N). The rationale for this ordinance was to provide a place to house junk on vacant property. Also noted was the requirement to build the principle residence in front of the barn.</li> </ul>	<b>Larry to check on monetary impact of taking site plan directly to Zoning Administrator.</b>
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>st Call to Public</b>	<ul style="list-style-type: none"> <li>Jeff Hodges suggested posting signage similar to Township Cleanup Day for all Planning Commission and Township Board meetings outside of the Township Hall.</li> <li>Bob Coon raised the question asking why the Township cannot recoup monies we paid to the county for our roads. Cohoctah pays for their own clean-up not the residents. Why can't we do that? He would like to see the four corners paved off gravel roads. He also noted that payment for road chloride comes from the residents.</li> <li>Another resident commented that she would like Owosso paved all the way to Hayner Road. Scott Buell commented that it will probably be limestoned.</li> <li>Kim Joliff noted that the next Emergency Preparedness meeting is June 4 at 6:30pm.</li> <li>Kim Joliff reported that a documentary, Gas Land II, will be presented next week at the Junior High School at 6:30pm.</li> </ul>	
<b>General Discussion</b>		
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>George Pushie made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 7:47 p.m.</li> </ul>	



# Conway Township Planning Commission Meeting Minutes

## June 6, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>Public: Herm and Shirley Yost and numerous other residents.</li> <li>Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is July 14, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners. Dennis Sommer, Mike Stock, George Pushies, Scott Buell, Larry Parsons, Londa Horton. All Commissioners present signed in.	
<b>Minutes from last meeting</b>	Larry Parsons made a motion to accept the regular May 12 and Joint May 20 <sup>th</sup> meeting minutes. Second by Scott Buell. All in favor. Motion Passed.	
<b>Call to the Public</b>	One resident asked about the status of the cell tower project. Dennis Bowdoin responded that there is no news yet.	
<b>Communications</b>	<ul style="list-style-type: none"> <li>Dennis Sommer reported on the <i>Michigan Township Insights</i> regarding proposed House Bill 5045 which would allow townships with a population less than 30,000 to drive golf carts on the township streets if the driver were 16 years of age.</li> </ul>	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>-0-</li> </ul>	
<b>Old Business</b>	<ul style="list-style-type: none"> <li>Dennis Bowdoin gave an update on the Sherwood gas well. Acid has been put down the well and it's currently perculating. Then a determination will be made if this is a viable well or not.</li> <li>Scott Buell reported that N. Fowlerville Road in conjunction with the Drain Commission will be conducting road work commencing June 23<sup>rd</sup> for about one week to install six tubes for drainage.</li> <li>Bob Carusi reported that the Emergency Preparedness Committee will be at the fly-in in September to try to recruit member volunteers. The next meeting is August 6 at 6:30pm. Dennis Bowdoin offered that a list of all township available resources needs to be included in the Emergency Plan including: generators, backhoes, injury station buildings, etc.</li> </ul>	

# Conway Township Planning Commission Meeting Minutes

## June 6, 2014

Agenda	Items Discussed	Actions to be Taken
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<b>New Business</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin reported an issue with a neighbor complaint regarding his neighbor building a private gun range for target practice. He noted that a berm was dug out. The neighbor had installed lights. Planning Commissioners concurred that there were no current zoning ordinances from preventing this.</li> </ul>	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>• Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	<ul style="list-style-type: none"> <li>• Herm Yost commented that the second amendment right protects the right to carry arms, but the right to shoot is not protected. Noise from the shooting is the real issue.</li> <li>• Herm Yost displayed front page news regarding oil and gas wells now being proposed in suburbs such as in Ann Arbor rather than out in the country.</li> </ul>	
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>• Londa Horton inquired about the Hazmat cleanup accident on I-96 on Monday. It was offered that a trucker hauling steel beams rear-ended a gas truck.</li> </ul>	
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• George Pushie made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 7:31 p.m.</li> </ul>	



To: Conway Township, Michigan Board of Trustees

From: For GeoSouthern Energy Company  
Jim Keyes (Halcyon Resources – 517-719-8824, jimkeyes@tds.net)  
Deb Muchmore (Marketing Resource Group – 517-372-4400, debm@mrgmi.com)

Date: May 20, 2014

Subj: Sherwood Well Update

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Thank you for the opportunity to provide this update on the exploration well owned by GeoSouthern Energy Company and located in Conway Township.

These are Geosouthern's plans and expectations at this time, though as the process gets underway there may be modifications made as necessary.

As you know, GeoSouthern Energy Company drilled a natural gas exploration well in Conway Township last fall by. The well reaches nearly one mile deep (approximately 4550 feet) and extends about the same distance horizontally west-southwest — it's like an elbow underground. The well, located on the Sherwood Farm, accesses what is called the A-1 Carbonate rock formation — referring to the type of limestone geology located here in south central Michigan and in which natural gas and oil can sometimes be found.

After careful review and geologic evaluation over the winter, GeoSouthern has begun work for completing the well. Initial site preparation and work began earlier this month, and may continue for 5 - 7 weeks or so. Neighbors driving by the site should expect to see work crews, equipment and tanker trucks assembled. Drilling was completed last year, so there will not be a drill rig on the site.

GeoSouthern will complete the well in compliance with all state environmental protection rules and regulations, before determining the viability of the well for production purposes.

### Frequently Asked Questions

#### **Will the well be hydraulically fractured?]**

Not in the traditional or conventional way as often is discussed.

A type of hydraulic fracture "stimulation" — opening up and cleaning out the well — will be conducted, but at significantly lower pressure rates, significantly lower fluid volumes, and without pumping any of proppant (sand) traditionally associated with a conventional hydraulic fracture. The purpose is to open up and clean out existing natural fractures already contained within the rock formation.

#### **How long will the work take?**

The work, which began the week of May 12, will take approximately eight weeks total.



**Does Geosouthern have all of the permits it needs?**

Yes. The Michigan Department of Environmental Quality regulates energy exploration strictly and extensively.

Permits are required from state regulators before well drilling and operations may commence. Additional cement bond logs were recently performed to test the integrity of cement used in the well's casing installation (series of cement and steel pipe rings that isolate the well from freshwater zones), as required. The Michigan DEQ has approved completion.

**How much water will be used in the process?**

Approximately 250,000 gallons of water will be used (3 million gallons was originally projected to be needed).

**Where will the water come from?**

Water for the process will come from a water well that was drilled on the Sherwood farm and was approved by the Michigan DEQ prior to drilling.

**Will there be any impacts to residential water supplies?**

None are expected, as the water volume needed is relatively small.

Residential water wells extending one mile from the well were assessed previously to provide baseline data prior to drilling the exploration well.

**Will the well be ready for production then?**

At the end of the process, testing will begin to determine whether sufficient oil or natural gas exists for the well to be production-worthy, and additional needs for connecting to area gas lines, etc. will be identified.

**What is the process?**

The process is done in stages, or phases, using water, hydrochloric acid (dissolves and neutralizes minerals), a thickening agent (common to chewing gum and other jelled products) and a biocide to prevent bacteria clean up. Different from a traditional fracturing, the process will not exert high pressure, requires less water and chemical components and is not intended to create fractures — rather is used to enable flow from existing fractures.



**Conway Township Joint Planning Commission and Board meeting min. 5/20/14**

**Helicopter Air Specialty Service** <dennisb@cac.net>

Wed, May 21, 2014 at 8:19 PM

To: ABBY COOPER <ABBY@crlaw.biz>, Cindy Dickerson <cindy@conwaytownship.com>, Dennis Sommer <denny.sommer@live.com>, George Pushies <pgejp@hotmail.com>, Helicopter Air Specialty Service <dennisb@cac.net>, Larry Parsons <lparsons@fnwusers.com>, Londa Horton <londahorton@gmail.com>, Scott Buell <sbuell@ymail.com>

Conway Township Joint Planning Commission and Board of Trustee's Meeting  
May, 20, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies, Scott Buell

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

George Pushies responded to questions from the Board and the Zoning Administrator about Pole Barns being built before the Principle residence.

Scott Buell responded to questions from the Board about the roads

submitted by:

Dennis Bowdoin Planning commission Chair

5/20/14

Conway Township joint Planning Commission & Board of Trustee's Meeting  
June15,2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies,

George Pushies questioned why the Board was late on the Fowlerville road project and lost \$35,000.00

Dennis discussed the FLOW report

Clerk Dickerson would like a joint meeting with the Township Board, the Planning Commission and the Advisory Commettee.

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Submitted by  
Dennis Bowdoin Planning Commission Chair  
6/15/14

Revised

Conway Township joint Planning Commission & Board of Trustee's Meeting  
June 17, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies, Scott Buel,  
Dennis Sommer

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Scott Buel Discussed the road projects for this year

The Board approved a new public comment policy

The Board approved any Commissioner to attend the Planning and Zoning Training in  
Frankenmuth on July 22 at the Bavarian Inn Lodge.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
6/17/14

# Conway Township Planning Commission Meeting Minutes

## July 14, 2014

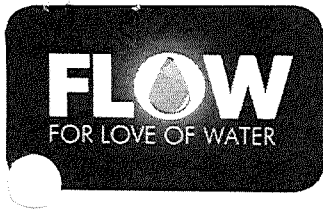
Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>Public: Herm Yost, Bill Call, Brande Nogasbky, Bob Carusi.</li> <li>Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is August 11, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners. Dennis Sommer, Mike Stock, George Pushies, Scott Buell, Larry Parsons, Londa Horton. All Commissioners present signed in.	
<b>Minutes from last meeting</b>	Scott Buell made a motion to accept the June 9 regular meeting minutes and the June 17th Joint meeting minutes. Second by Dennis Sommer. All in favor. Motion passed.	
<b>Call to the Public</b>	**Note that no agendas were available for the public.	
<b>Communications</b>	<p>Dennis Bowdoin reported that there will be an MTA Planning and Zoning Workshop on July 22 at the Bavarian Inn in Frankenmuth. The workshop will cover changes in the Right to Farm Act. Dennis Sommer will attend.</p> <p>George Pushies reported on fracking articles in the <i>Wall Street Journal</i>, regarding townships in New York can ban fracking. He also commented on using capped landfills of garbage dumps to generate electricity with the methane gas dispersed. Londa Horton offered that the MSU Dairy Barn now houses a digester that converts methane gas into electricity for the barn.</p>	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>-0-</li> </ul>	
<b>Old Business</b>	<ul style="list-style-type: none"> <li>Bob Carusi reported from the Fracking Advisory Committee. Three members were present at the last meeting. The status of the Sherwood well is that a plug is supposed to be put in it.</li> </ul>	

# Conway Township Planning Commission Meeting Minutes

July 14, 2014

Agenda	Items Discussed	Actions to be Taken
<b>New Business</b>	<ul style="list-style-type: none"> <li>George Pushies inquired about seeing a breakdown of the township road spending from Township Board Trustee Larry Parsons. Mike Stock commented that the township use to have a five year road plan.</li> </ul>	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>Larry Parsons gave an update from the Township Board.</li> <li>Dennis Bowdoin noted that the Township Board approved a new Public Comment and Conduct Policy. He further commented that the Planning Commission does not have to adopt the policy.</li> </ul>	
<b>Last Call to Public</b>	<ul style="list-style-type: none"> <li>Dennis Bowdoin offered that the Site Manager for GeoSouthern, Ross, disclosed that geologists estimated that the Sherwood well would produce 20 barrels of gas per day. That is not enough to make their investment worthwhile. Therefore the land goes back to its original state.</li> <li>Herm Yost commented that in Thursday's, July 10, Livingston Press and Argus there is an article that mentions fracking on the Sherwood well. That is inaccurate as the well was acidized.</li> <li>George Pushies asked for Township Board to request of the Supervisor of the well to send the Planning Commission a well closure document.</li> </ul>	<p><b>Dennis Bowdoin to request that the Board request a closure document on the well.</b></p>
<b>General Discussion</b>		
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 8:03 p.m.</li> </ul>	





ADVANCING PUBLIC TRUST SOLUTIONS  
TO SAVE THE GREAT LAKES

**PROTECTIVE ORDINANCE PACKAGE FOR CONWAY TOWNSHIP:  
LOCAL REGULATION OF OIL AND GAS DEVELOPMENT, INCLUDING HIGH  
VOLUME HYDRAULIC FRACTURING (“HVHF” OR FRACKING)**

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July 9, 2014

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## INTRODUCTION

Like many communities across the United States, those in Michigan are concerned about the controversial energy extraction process known as high volume hydraulic fracturing (“HVHF”) or “fracking,” which yields oil and natural gas from deep shale formations like Michigan’s Collingwood/Utica and A-1 Carbonate. Each fracked well represents an irrevocable commitment of substantial local water resources in exchange for a finite quantity of natural gas or oil. In Michigan, for example, oil and gas operations are using a national record of up to 21 million gallons of water per well per frack—a full four times the national average.<sup>1</sup>

This is problematic considering the fact that the February 2014 Ceres Report delineating a map of baseline water stress in the United States and Canada depicts that much of the state of Michigan is considered to be an area of “high stress,” meaning that 40-80% of the available water supply is being withdrawn for municipal, industrial, and agricultural purposes.<sup>2</sup> Therefore, unchecked and substantial water use from fracking in a location where water is already a heavily strained resource could have severe ramifications.

Regulations governing the development and exploration of oil and natural gas shale plays are minimal, with exemptions from key federal environmental laws (e.g., Safe Drinking Water Act, Clean Water Act, Clean Air Act, Resource, Conservation & Recovery Act), and key state environmental laws (e.g., Great Lakes Compact and Michigan’s 2008 Water Withdrawal Act). One noteworthy exemption stems from the 2005 Clean Water Act revisions (via the Energy Policy Act), which created the “Halliburton Loophole” and exempted chemical additives used in fracking fluids from being regulated as traditional “pollutants” under the Act. At the local level, the oil and gas industry also has secured exemptions such that local townships and counties in Michigan are prohibited from enacting ordinances that regulate the drilling, completion, operation of oil and gas wells, and from regulating high volume water withdrawals.

Michigan is a relative new comer to fracking, which requires massive water and chemical inputs in order to release the natural gas from tight shale rock some two miles below the surface. Since 2008, there have been 58 new HVHF wells, 17 permitted, and 8 in production. Compared to other active fracking states like Pennsylvania, Texas, and Colorado, the practice in Michigan is limited to an estimated 6 percent of the state's local jurisdictions where existing fracking operations or some kind of activity to expand them have been reported.

Nevertheless, fracking remains a controversial topic, particularly in communities whose water and other natural resources are (or have the potential to be) affected by it. The 2012 National Surveys on Energy and Environment found that a majority (52%) of Michigan citizens statewide would back a halt on additional fracking until more is known about possible risks.<sup>3</sup> That same year, there was even a citizen-led effort in 2012 to create a ballot

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<sup>1</sup> However, recently issued DEQ permits have authorized up to 35 million gallons of water per well.

<sup>2</sup> Monika Freyman, Hydraulic Fracturing & Water Stress: Water Demand by the Numbers, A Ceres Report, 6, February 2014.

<sup>3</sup> Brown, E., Hartman, K., Borick, C., Rabe, B. G., & Ivacko, T. (2013, May). Public opinion on fracking: Perspectives from Michigan and Pennsylvania. Issues in Environmental Policy 3. Ann

proposition that would ban fracking entirely in Michigan, but it failed to obtain the minimum number of required signatures.<sup>4</sup>

Opinions at the local government level, however, are more varied. In 2013, the University of Michigan conducted an extensive study to examine local government officials' opinions of fracking, and what the survey found was that in communities with active fracking sites, local officials believe that their citizens are more likely to oppose (37 percent) than support (11 percent) fracking in their communities.<sup>5</sup> However, the survey respondents themselves—the chief elected and appointed officials—are more evenly split, with 36 percent opposing and 31 percent supporting such fracking.<sup>6</sup> Regional differences among local leadership are notable: local leaders' support is highest in the Upper Peninsula (54% support, 32% oppose) and Northern Lower Peninsula (37% support, 35% oppose), and lowest in Southeast Michigan (19% support, 51% oppose).

In jurisdictions where fracking is taking place, 43% of local leaders say revenue for land owners is the most common factor encouraging the development of fracking in their jurisdictions, while a majority says that risks to water resources (57%) and the environment (56%) are the most common factors discouraging local fracking. The bottom line is that, even though few Michigan local governments have taken steps to regulate fracking, they believe they should have the legal authority to do so.

#### **FLOW'S LOCAL GOVERNMENT ORDINANCE PROGRAM**

Recognizing the exemption of deep shale horizontal natural gas drilling from many key federal and state laws and regulations, FLOW (“For Love of Water”) —a Great Lakes water policy and education center— saw an urgent need to develop legal strategies and policies for local governments to safeguard their communities against the unprecedented, water-and chemical-intensive, and cumulative impacts of fracking. In 2012, FLOW first authored a critical report titled, “*Horizontal Fracturing for Oil and Gas in Michigan: Legal Strategies and Tools for Communities and Citizens.*” This much-needed report with appendices of sample local fracking ordinances provided the first compendium of legal strategies and policies for local governments in Michigan. Legal strategies included amending and/or creating zoning and police power ordinances, master plans, utility franchise agreements, moratoria, and protecting waters through cumulative environmental impact assessments under public trust law.

Based on this 2012 critical report, FLOW developed its ***Local Government Ordinance Program*** to provide direct technical planning assistance to Michigan townships interested in

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Arbor, MI: Center for Local, State, and Urban Policy at the Gerald R. Ford School of Public Policy, University of Michigan. Retrieved from <http://closup.umich.edu/files/ieep-nsee-2012-fall-fracking.pdf>

<sup>4</sup> Thomas Ivacko & Debra Horner, *Fracking As a Community Issue in Michigan* 1, 1-11 (The Ctr. for Local, State, & Urban Policy 2014) [hereinafter *Michigan Public Policy Survey*], [www.closup.umich.edu](http://www.closup.umich.edu)

<sup>5</sup> *Id.*

<sup>6</sup> Interestingly, when asked about the development and use of various potential Michigan-specific energy sources, survey participants ranked fracking near last on the list behind most renewable options and an increased use of biofuels and nuclear power.

crafting ordinances to regulate the ancillary industrial processes of fracking. Interested townships contract with FLOW to conduct a two-part workshop series leading to the adoption of an ordinance package tailored to their needs. The community prioritizes what ancillary oil and gas activities to regulate (e.g., site design, high volume water removal, chemical disclosure, trucking/traffic impacts, etc.) and then FLOW identifies the optimal strategies in a final protective ordinance package report for integrating and amending the community's existing master plans, zoning and police power ordinances, franchise agreements, and the like.

FLOW's recommendations empower communities to regulate ancillary oil and gas activities that are not subject to Michigan's Zoning Enabling Act and address health, safety, and welfare concerns. Key to this program's success is working closely with the local planning commission, planners, township supervisors, township attorney, and citizens to outline tailor-made ordinances that legitimately address areas of concern and can withstand judicial scrutiny.

### **LOCAL GOVERNMENT AUTHORITY TO REGULATE ANCILLARY USES OF OIL & GAS OPERATIONS**

The two principle statutes delegating local government legal authority to address oil and gas development like hydraulic fracturing and related processes include: (1) the Zoning Enabling Act of 2006, and (2) the Township Ordinance Act of 1945. Both Acts provide townships and counties legal authority to adopt either zoning ordinances that govern land use or police power ordinances that govern health, safety, and pollution issues associated with unconventional hydrocarbon development (e.g., massive water withdrawals of up to 21 million gallons per well, transportation, handling, and disposal of wastewater as it becomes contaminated through the fracking process).

#### ***Michigan Zoning Enabling Act of 2006***

This Act expressly prohibits county or township regulation or control of the "drilling, completion, or operation of oil or gas wells, or other wells drilled for oil and gas exploration purposes."<sup>7</sup> Counties and townships lack jurisdiction over issuance of permits for the location, drilling, completion, operation, or abandonment of those wells.<sup>8</sup> Certain facilities, however, like processing plants and pipelines, may be subject to township or county zoning approval.<sup>9</sup> In sum, this Act preempts regulation by counties and townships on oil and gas operations only as it relates to the zoning of the location and related operations of wells themselves. In other words, as described below, other than the zoning of wells, there is no preemption of local regulation.<sup>10</sup>

<sup>7</sup> MCL 125.3205(2).

<sup>8</sup> See, e.g., *Dart Energy Corp v. Iosco Twp*, 206 Mich App 311; 520 NW2d 652 (1994) (oil and gas well converted to brine well).

<sup>9</sup> See *Addison Twp v. Gout*, 435 Mich 809; 460 NW2d 215 (1990) and discussion below.

<sup>10</sup> *Id.* However, there is one more wrinkle to this issue, which is that the Natural Resources and Environmental Protection Act ("NREPA") expressly prohibits a local unit of government from enacting or enforcing an ordinance that regulates a large quantity withdrawal. See MCL 324.32716. However, a local unit of government could arguably regulate a low capacity well withdrawing less than 100,000 gallons per day.

Notably, the Zoning Enabling Act's prohibition to regulate oil and gas wells or operations, however, does not preclude regulation by cities and villages.<sup>11</sup> In fact, as noted by the Michigan Supreme Court, "[t]here is no limitation in the city or village zoning act."<sup>12</sup>

While it is clear that townships and counties cannot prohibit or permit oil and gas exploration and extraction, townships and counties have authority to regulate related facilities, processes, and activities, such as natural gas pipelines, flow lines, gathering lines, treatment or production facilities, or compressors, pursuant to the *Addison Township v. Gout* case<sup>13</sup> decided by the Michigan Supreme Court. In the *Addison Township* case, the Michigan Supreme Court examined whether a local township could regulate and prohibit a natural gas processing plant from constructing a new gas pipeline to import gas from outside the township. Applying the Township Rural Zoning Act<sup>14</sup> (now the Zoning Enabling Act), the Supreme Court held that the township had authority to regulate gas pipelines because it was "consistent with the needs of its citizenry regarding energy and other natural resources generally and without limitation."<sup>15</sup>

Recognizing the Zoning Act's broad authority for local government units to regulate land use, the Court opined that "[o]nly in very rare instances will a permit issued for one purpose obviate local zoning laws."<sup>16</sup> "We hold that the exclusive jurisdiction of the Supervisor of Wells applies only to oil and gas wells and does not extend to all aspects of the production process."<sup>17</sup>

Michigan's Supreme Court rejected the argument that the legislature granted the Supervisor of Wells [DEQ Director] "absolute regulatory power over all phases of the industry."<sup>18</sup> Rather, the Supervisor's exclusive regulatory authority was limited to gas and oil wells, not pipelines and, presumably, other related facilities, land uses and activities. What this case illustrates is the legislative intent and Court's validation of local government authority to regulate the oil and gas industry and ensure safety and protection of natural resources.

One of the key zoning tools communities use is Special Use Permits ("SUPs"), which authorize certain types of uses with special circumstances within a range of land use districts within the boundaries of a township or county. The purpose is to allow narrower specific uses by permits based on a complete application and evidence that demonstrate how the proposed specific use will meet standards carefully designed to protect as opposed to create a risk of unacceptable harm to the health, safety, and general welfare of the community. In addition, an SUP permit application must show that the proposed use will protect adjacent or neighboring land uses and property values, comply with the overall master plan or comprehensive plan of a township or county, and prevent or minimize degradation of the air, water, natural resources, or private and public uses protected in a land use area or district. In

<sup>11</sup> MCL 125.3205.

<sup>12</sup> *Addison Twp v. Gout*, 435 Mich at 814.

<sup>13</sup> *Id.*

<sup>14</sup> This Act has been consolidated and codified into the Michigan Zoning Enabling Act of 2006 (MCL 125.3101 *et. seq.*) and the Planning Enabling Act of 2008 (MCL 125.3801 *et. seq.*).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* (emphasis added).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

this manner, the township or county board or planning commission, depending on which body is charged with administering the special use proceeding, controls: (1) what information is required before a special use is considered, (2) whether a special use is permitted, (3) whether it meets the standards in the ordinance, and (4) what strict conditions should or may be imposed to assure compliance, enforcement, and restoration if something goes wrong and results in harm or potential future harm.

Special uses can include practically anything unless expressly prohibited or contrary to law. Oil and gas development and related facilities or activities, for example, may be prohibited unless allowed by special use permits, except as noted above drilling, completion, production and operation of oil and gas wells, including brine wells<sup>19</sup> that have been converted from oil and gas wells. Thus, townships or counties may regulate related land uses and activities of oil and gas operations occupying or using land within the township or county, such as: flow lines, gathering lines, water and chemical mixing stations or facilities, truck transfer and hauling facilities, access roads or drives, pipelines, sweetening facilities, water sources, uses, transfers and diversions, treatment and production facilities, waste treatment, reuse, or disposal transfer, hauling, and discharge facilities, wetland impacts, air emission equipment and facilities, (e.g., flares, scrubbers), and other related facilities and processes connected to oil and gas development through vertical or horizontal hydraulic fracturing in various rock formations.

#### ***Township Ordinance Act of 1945***

The Township Ordinance Act authorizes a township to adopt police power ordinances, which are distinct from zoning ordinances, because they can only regulate harms and activities, rather than land uses. Police power ordinances authorize local governments to regulate the use of public and private property, which is essential to protecting neighboring uses, property values, natural resources, water, the environment, transportation, and other vital public services. Unlike the Zoning Enabling Act, there is no express prohibition under the Township Ordinance Act, MCL 41.181, against regulating oil and gas development.

This Act authorizes townships to adopt ordinances that regulate health, safety, and welfare of citizens and property (e.g., fire protection, traffic, parking, vehicular and pedestrian safety, business licensing, public nudity, etc.). Thus, compared to the Zoning Enabling Act, the Township Ordinance Act may provide broader authority and simpler procedures to adopt an ordinance regulating specific harms or impacts from oil and gas hydraulic fracturing operations and activities. New or amended police power ordinances can regulate related or ancillary facilities, processes, or activities, such as hours of operation, noise levels, dust control measures, water and chemical transfers, mixing, handling, and disposal of wastewater and other materials, traffic, transportation, and other risks or impacts related to hydraulic fracturing of oil and gas development operations.

This type of township ordinance is likely to withstand legal judicial challenges so long as the proposed ordinance has strict standards – even when regulating future activities with potential hazards – and so long as the ordinance is not arbitrarily applied.

<sup>19</sup> Part 615, MCL 324.61525(1) sets forth the administrative requirements regarding the use and operation of injection wells. In addition to the state's permit requirements, injection wells also may require permits from U.S. EPA under the Underground Injection Control Program of the Safe Drinking Water Act, 42 USC 300f *et seq.*, 40 C.F.R. Parts 124, 144 and 146-148.

## RECENT OIL & GAS DEVELOPMENTS IN LIVINGSTON COUNTY AND CONWAY TOWNSHIP

Oil and gas production in Livingston County first began in 1935, when the Salina and Niagaran Groups of geologic formations were first discovered. They remained undeveloped until the mid-1940s, when the Panhandle Eastern Pipeline Company investigated storing their gas in Michigan. Testing in 1946 confirmed Howell as a promising location for gas storage and production, an outlook that departed from the commercially unsuccessful Bay County Gulf Bateson well. By 1961, wells were drilled in Fowlerville Field's Salina-Niagaran reservoir, 9 of which are still active.

The modern era of Livingston County gas exploration began by the end of the 1970s. The Arbuckle Corporation and Amoco Production Company discovered Niagaran Reefs throughout the 1970s and 1980s, including 15-18 feet of A-1 Carbonate. Despite these finds, the area proved to be geophysically difficult for production. Compared to other reefs in the area, the Niagaran Reef is relatively small, and the salt thickness is non-uniform. These factors caused early drilling to be relatively unsuccessful. Despite these difficulties, some townships such as Iosco, Marion, Unadilla, and Putnam were profitable.

The geologic structure of Livingston County provides a positive production outlook. Formed primarily from dolomite (similar to limestone), the Niagaran play contains "coral reefs" between 100-200 feet fall that are ideal oil and gas reserves. Because of the rock's porous nature, these plays require less acid, a quality attractive to oil and gas companies.

In July of 2013, GeoSouthern Energy Corporation obtained a permit to drill in Conway Township, igniting substantial civilian interest. However, it was not until the township received phone calls from local citizens did local officials learn such a permit had been issued. The state's lack of communication to the local government over drilling was only one of the issues that concerned local citizens. Over 100 people –instead of the typical 3— attended the next township board meeting. Community members demanded the township obtain more information about legal strategies to protect the town against the harms of drilling.

The GeoSouthern permit allowed for the construction of an exploratory well on the Sherwood and Kingsley properties. If these wells are successful, GeoSouthern plans to continue drilling in the area. The wells are approximately 4500 feet deep, and will tunnel horizontally more than 4000 feet. The 2-acre frack pad has the potential to use more than 3 million gallons of water.

### ***CONWAY TOWNSHIP'S RESPONSE***

Witnessing this rapid level of land acquisition for energy development in their community and concerned about the lack of information, including chemical disclosure, Conway Township hired FLOW to organize a two-part workshop series for the community to develop local government ordinances protective of natural resources and potential risks associated with fracking.

As part of this local government ordinance program, FLOW conducted its first workshop in

Conway Township on February 5, 2014 and presented an overview of the risks of fracking and legal strategies for local communities to consider to the Township Planning Commission, Township Board, and local residents. Local officials and citizens learned about recent fracking developments in Michigan, potential impacts to air, water, and land, and most importantly, legal strategies for local governments to protect local community character while also regulating impacts from fracking activities. At this public meeting, citizens voiced their concerns about how fracking would change the rural landscape of their community. Several citizens were particularly concerned that the oil and gas industry was exempt from groundwater laws and requirements while agricultural operations had to conduct pump aquifer yield tests for large water withdrawals.

On April 8, 2014, the Conway Planning Commission and Township Board held a joint meeting to host FLOW's second workshop. Conway Citizen Advisory Committee prepared a detailed summary of 75 recommended ordinances reflecting all phases of the fracking process: before exploratory drilling begins, during exploratory drilling operations, when hydraulic fracturing commences, and after fracking is completed. Such careful consideration of each step demonstrates a high level of public concern for both the present and the future of the township. The Committee provided a list of top priorities for the township to consider adopting as part of FLOW's April presentation.

1. Protection of Conway Township residents' health, safety, welfare and quality of life
2. Protection and Conservation of Conway Township's natural resources
3. Citizens' rights to be informed by public hearing of every non-water well drilling
4. proposal and permit
5. Require (and announce) public hearings prior to development and leasing of all Township-owned property
6. Cannot drill within 1 mile of Conway Township residents homes
7. Moratorium on fracking permits for study and ordinances
8. Protect residents from repeated solicitation and/or harassment from lease agents
9. Keep Conway Township rural and agriculturally based, limit industrialization
10. Assure environmental justice for clean air
11. Fund for protecting safe drinking water supply and natural resources from damage
12. Include environmental inventory in Master Plan and develop objectives and goals to protect surface and ground water quality
13. Limit daily life impacting nuisances (e.g., no lights on during the night, work hours limited to 7 AM-6 PM, noise ordinance special use permits, etc...)
14. Emergency Preparedness Program, including education and training for residents

Township officials were particularly concerned about not being given advance notification by oil and gas operators before new wells are drilled in the township and county. The level of detail from the Conway Advisory Citizen Committee reveals deep concern and knowledge of many community residents.

## RECOMMENDED PROTECTIVE ORDINANCE PACKAGE FOR REGULATING OIL AND GAS IN CONWAY TOWNSHIP

Based on two township public meetings, as well as a review of the Township's master plan, zoning ordinance, and township police power ordinances, FLOW prepared this detailed protective ordinance package for Conway Township in the implementation of proper local regulations to address the impacts and risks of high volume hydraulic fracking to land use, water, natural resources, agriculture, and the rural character of the Township.<sup>20</sup> This document summarizes general amendment recommendations in three areas: (1) the 2012 Master Plan; (2) General Ordinances under Township Police Powers and Franchise Agreements; and (3) the 2009 Zoning Ordinances.

### I. AMENDMENTS TO THE 2012 MASTER PLAN

The Master Plan 2012 makes it abundantly clear that the Township's highest valued land and character is its farmland and open or rural landscape. Sixty-five percent of the total land in Conway Township is under agricultural production. By contrast, just 13 percent is dedicated to residential use in the Township and only a mere 0.27 percent is allocated for commercial and public land use.

The goals and objectives in the Conway Township Plan were developed based on the responses to the township-wide citizen survey. As a whole, the Township cherishes open space, historical values or way of life, river valley water ways, recreation, and environment – rivers, lowlands, wetlands, wooded hills, rolling farms, and small towns. The goals cited in Conway Township's 2012 Master Plan reflect these values and basic themes. A strong desire to protect the environment from potentially degrading development and land use stands out from the outlined goals, as the Township seeks to preserve the quality of the air, surface, water, and groundwater resources so that they are enjoyable for generations to come.

Specifically, the Township's goals are to:

1. Preserve agriculture as an active, viable economic activity within the Township.
2. Maintain a rural setting for residential land uses.
3. Protect natural resources, such as soils, streams, woodland areas, and wetlands, from alternations, which will diminish their quality.
4. Discourage commercial and industrial development in Conway Township.

Notably absent is any mention of historical, existing, or future oil and gas well development, storage, or production in the Master Plan. Accordingly, to avoid future conflicts, promote harmony or compatibility, and reduce harm to above goals and objectives, the Township should consider the following recommendations:

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<sup>20</sup>This protective ordinance package and the recommendations described herein are not intended as legal advice, but are submitted pursuant to the educational presentation program on high volume hydraulic fracturing for oil and gas development and proper local government regulation. Accordingly, these materials and recommendations should not be considered or relied on by the Township, without consultation of the township attorney and planner to assist the Township in drafting, adopting and implementing any such ordinances and recommendations.



- A. Add a Goal and/or Objective that all groundwater resources in the Township are important to the quality and quantity of wetlands, streams, creeks, rivers, and lakes, and to the viability and sustainability of farmland, rural character, and farming. That groundwater and surface water resources shall be protected from over use, diminishment of flows or levels, diversion, transfer, pollution, contamination, spills and releases of hazardous substances or other pollutants. To accomplish this, the Township should include impact on farming and other land uses from high volume water removal, transfer or diversion where most of the water removed is not returned to the watershed. This can be done by implementing standards and/or overlay district proposed for farming areas with assurances that water removal or use will not interfere with farmland, farming or farming potential, farmland values, water resource, aquatic, wildlife, or sensitive water dependent resources like wetlands, springs, lowlands.
- B. In addition, oil and gas development ancillary facilities, structures, and equipment should be confined to the industrial district land uses, unless allowed by special use permit in a farming area district, with very careful, strict standards to preserve farming, farmlands, water resources, and rural character.
- C. Increased traffic from any development will require study, impact analysis, route and site plan for improvements, cuts, drives, alternative driveway access, purpose, loads, and risks.
- D. Pipelines must be disclosed, with study and impact analysis, and site plan, emergency plans and response, chemical disclosure, risk analysis.
- E. Identification of intended or likely air emissions showing that there will be no foul odors inconsistent above or with ambient rural air quality.
- F. Activities, including water removal sources, quantities, transfer routes and methods, large volume water, their pumping rates for highly consumptive uses, their purpose, and any chemical or other substance mixing, handling, hauling, use, disposal of water, chemical and materials mixtures, will be disclosed and evaluated to assure no harm, or diminishment, or conflict with groundwater, creeks, streams, rivers, and lakes, or of adjacent or nearby land uses depend on such water.

## **II. AMENDMENTS OR NEW POLICE POWER ORDINANCES OR FRANCHISE AGREEMENTS**

As discussed during the public education sessions, townships have independent authority to enact police power ordinances to protect the public health, safety and general welfare and property and persons from a reasonable risk of harm. Given the known and potential risks that have been associated with oil and gas development, including high volume water removals, chemical mixtures, accidents, releases or emissions connected with horizontal or other forms of fracturing tight certain geological formations, such an industrial or otherwise intensive activity clearly falls within the scope of authority delegated to townships under the Township Ordinance Act. MCL 41.181. Moreover, as previously discussed in the public

education sessions, the Township has direct authority to insist on consent to use its road right-of-ways through an ordinance and/or franchise agreements. Mich Const. Art. 7, Sec. 29. On review of the Townships current police power ordinances, FLOW recommends the Township consider the following provisions:

**A. Amend Noise Ordinance No. 5** (Consider New Name: Anti-Noise Nuisance):

1. Add to Section 3.01: "At a minimum, the following standard shall not be violated: "Decibel" as a unit is used to express the magnitude of sound pressure and sound intensity and "dB(A)" to mean the sound pressure level in decibels measured on the 'A' scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971." Consider setting dB(A) regulations for different zoning districts, and reference similar language and standards set forth in the Zoning Ordinance, Section 11.04, Industrial Performance Standards.
2. Generally, update entire ordinance to include noises, such as "other electronic or mechanical sound-producing device," "the operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person," and "the erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township."
3. Add Section 4 Permit for New Structures and Equipment: Consider adding the following provisions: (1) permit application for new structures and equipment; (2) baseline ambient noise levels; (3) estimated noise levels; (4) best available technology ("BAT"); and (5) standard as defined in Sections 3.01 and 3.02.
4. Renumber Section 4 and make Section 5: Consider adding the following provisions: (1) Notice of Violation; (2) Cease and Desist Order; (2) monetary penalty to state "violation each day the violation continues;" (3) specific enforcement through injunction and equitable relief, and abatement and reimbursement, and all additional direct or indirect expenses to the Township; (4) citizen right to enforce the Ordinance against the violator or Township.

**B. Add Public Nuisance Ordinance** either to existing Noise Nuisance or a stand-alone ordinance to include fumes, hazardous releases, emissions, and to include as goal "unreasonable risk to public health, safety or general welfare, and to the use and enjoyment of private and public property. Each day a violation occurs should be made a separate offense or violation. Consideration also should be given to the right to seek enforcement, including injunctions and equitable remedies and relief, abatement, and reimbursement. Example language: "No person, firm or corporation shall create, cause or maintain any public nuisance within the township by the unreason- able emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area." Consider referencing similar language and standards set forth in the Zoning Ordinance, Section 11.04, Industrial Performance Standards,

that regulates noise, smoke dust, dirt, and fly ash, glare and heat, odor, vibration, fire and safety hazards, gases, electromagnetic radiation, drifting and airborne matter.

- C. **Amend Fire Response Cost Recovery Ordinance** to require permit on disclosure of hazardous substances, chemicals, pollutants or other potentially harmful materials, liquids, or combination, 30 days before transport to site; emergency response plan to any release, spill, emission, loss, or accident; indemnity, and bond for same; indemnity, bond for same; notice of violation, violations, sanctions, fines, fees, enforcement, remedies.
- D. **Amend Municipal Civil Infraction Ordinance** and review schedule of civil fines/costs.
- E. **Adopt a Pipeline and/or Use of Roads Ordinance and/or Franchise or Consent to Use Agreement and Approval.** The Township has authority under the Michigan Constitution, as noted above, to require consent to use of roads and road rights of way and/or to conduct business related to use of the same. The Township can require application, including site plan for pipelines and use of roads, hauling, delivering, transferring, handling, storing, disposing of chemicals, water and chemical mixtures, hazardous substances, and other liquids or materials related to oil and gas development that would occupy and/or use roads or road right of ways. The Township can require approval, with standards and criteria that protect the public health, safety and general welfare from risks of accidents, releases or emissions, from nuisance effects or impacts. For example, the Township can require conditions, such as notification and disclosure before use of roads of any chemical or hazardous substances or mixtures, with accident prevention and emergency response plan, in conjunction with notice to the Fire Department. It also can require indemnities, bond, insurance, or other financial assurances to cover loss, injury, damages or reimbursement. If the federal government approves the natural gas pipeline, it is exempt and cannot be regulated by local units of government. If the state Michigan Public Service Commission (“MPSC”) approves and certifies the pipeline, it can be regulated so long as its location is not prohibited and the regulations are reasonable. If it is not approved by the MPSC, then its location and other aspects may be regulated more completely. The following is an outline of provisions for a pipeline and road use ordinance.
1. Purpose to regulate and township police power law; local control of roads and right of ways, franchise provision, Michigan Constitution.  
No location, construction or operation within any township road right-of-way without permit approval or consent to use/franchise agreement by Township Board.
  2. Does not apply to federally and state approved distribution or service line, and if pipeline approved by MPSC permit for location of line not required, but permit for construction in accordance with the ordinance is required.
  3. Application requirements:

- a. Name, address, and related information
  - b. Narrative description of pipeline, purpose, and relation to overall project.
  - c. Site Plan showing map and location of pipeline and related facilities from oil and gas well location and facilities to connection to distribution line.
  - d. Site Plan showing map, roads, road accesses, alternative accesses, truck use, truck routes, estimated truck trips, hours of operation.
  - e. Description of oil, gas, stage of treatment, quantities, and chemical make-up; description of truck materials to be hauled, handled, stored, removed from township.
  - f. Noise, odor, related treatment facilities, pump stations, truck vehicles; emissions to atmosphere, quantity, makeup, and equipment.
  - g. Plans, design, and safety measures.
  - h. Copies of permits, approvals and compliance with federal, state laws, regulations, codes, including notice, disclosure, and safety requirements.
  - i. Hazardous, toxic substances to be used or transported, handled, stored.
  - j. Monitoring and safety inspection plan.
  - k. Release and accident prevention, emergency response plans.
  - l. Reimbursement of township costs, expenses, damages or loss.
  - m. Indemnity and hold harmless covenant.
  - n. Bond or other suitable assurance of payment of estimated costs, expenses, or in event of damage or loss.
4. Standards for approval.
  5. Conditions required.
  6. Decision making procedures.

**F. Use of Right-of-Way for Public Service Commission Certified Gathering Lines or Pipelines and Use of Roads for Trucks and Transport of Hazardous Substances and Chemicals.** Require development plan, site plan, proposed use and operations, closure, violations, notice, enforcement, penalties, sanctions, fines, fees; indemnity, defend, hold harmless, bond for same.

**G. Solicitation Ordinance Recommendation.** The Township has the power to regulate solicitation using a solicitation ordinance. Such ordinances are valuable resources for communities interested in limiting the negative implications of solicitation, such as unwanted intrusion of privacy, fraud, and attacks in homes by persons claiming to be solicitors. The Township can regulate such acts by implementing a more restrictive policy on commercial organizations that wish to solicit services. However, such action would not limit companies with other political outlets from acquiring property from unwilling residents. For example, with unitization agreements and compulsory pooling for oil and gas, limiting solicitation may not limit acquisition of land from unwilling landowners. Additionally, the Township should be advised to carefully craft such an ordinance, as overly restrictive ordinances have the potential to be questioned by

the courts. Regardless, if the Township wishes to implement such an ordinance, it is recommended to include the following elements:

1. Add definition of “solicitation” to include the act of any person, whether a resident of the city or not, who goes from house to house, business to business, from place to place, in or along a highway, street, or sidewalk within the city either (1) asking, either directly or indirectly, money, credit, funds, contributions, personal property, interest in land or real property, or any other thing of value, whether or not such ask is in exchange for money, funds, credit, promise, offer, option or other thing of monetary value; (2) taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and (3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description, commonly referred to as “peddling.”

However, such a definition should not include people demonstrating the following characteristics, given that such a person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value: (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature; (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant’s belief in regard to any political or religious matter; (4) A person conducting a poll, survey or petition drive in regard to any political matter; and (5) A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same.

2. Make clear whether limitation applies to commercial and/or charitable 501(c)(3) organizations. This would enable the ordinance to maintain the flexibility of organizations such as the Girl Scouts while limiting the prevalence of commercial solicitation.
3. Add provision to require the application for a solicitation permit, which must be carried by a person, along with photo identification, upon engaging in solicitation. Such a permit could include the name and address of the solicitor, a brief description of the nature and length of the solicitation contemplated, and application to the police department at least thirty (30) calendar days before engaging in solicitation. This application process enables the local government to conduct criminal history

background checks and to have credentials that establish the exact employer/employee relationship.

4. Establish a structural framework for the processing and jurisdiction of the permitting process under an existing township department.
5. Include an automatic expiration of the permit after a specified amount of time, such as 90 days, unless revoked. Permits can be renewed if the chief of police or other determines that the applicant or solicitor has acted in compliance with the permit conditions.
6. Include a framework to appeal a decision made concerning the application, renewal, or revocation of a permit.
7. Consider the formation of a “Do Not Knock” registry, containing a list of addresses of those where the owner and/or occupant has notified the township that solicitation is not permitted on the premises. Upon enlistment to the registry, the owner and/or occupant should be able to purchase, for a nominal fee, a sticker or sign for display indicating such enlistment. Additionally, the Township should issue an updated version of the Do Not Knock Registry monthly to all solicitors.
8. Articulate solicitation operating requirements to make it unlawful for any person to engage in solicitation in the following circumstances: (1) without a valid solicitation permit issued by the chief of police, (2) on the premises identified on the then current Do Not Knock Registry or by posting a signing expressing “No Solicitation” or words of similar import, (3) engaging in unwanted solicitations, (4) engaging in abusive solicitation, or (5) engaging in any other prohibitions on solicitation contained within the ordinance.
9. Add a ban on abusive activity associated with solicitation. Abusive activity could include, but is not limited to, engaging in any of the following activities while soliciting: coming closer than three (3) feet of the person solicited to, unless and until the person solicited indicates that he or she wishes to receive the solicitation, blocking, impeding, or following the passage of the person solicited after the person has indicated his or her objection to the solicitation, or abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction.
10. Prohibit certain solicitation locations such as public transportation vehicles and facilities or outdoor dining areas of restaurants.
11. Limit permissible hours for soliciting; for example, after sunset or earlier than 8 a.m.

12. Enforce the ordinance by charging the applicant or solicitor with the responsibility for the conduct all persons working, helping, assisting, volunteering for, or acting on behalf of the applicant or solicitor to whom the permit was issued.

### III. AMENDMENTS TO THE 2009 ZONING ORDINANCE

Generally, the existing framework of the zoning ordinance can be used to regulate ancillary land and/or water uses associated with oil and gas or other developments that will or likely would adversely impact, affect, or be incompatible with adjacent or nearby land use and character of land uses and values protected by an existing land use district as designated in the Ordinance.

Using special use permits (“SUP”) is a common and effective strategy for local governments to ensure harmonious development between proposed and existing land uses. Conway Township recognizes the importance of this approach for specific uses, and has special land use permits for 22 different types of land uses including injection wells, commercial transmitting and receiving towers, and essential public service structures. Thus, the adoption of a special land use permit for ancillary oil and gas uses, facilities, and structures would comport with Conway Township’s current zoning ordinances.

To address land and/or associated water uses and structures ancillary to oil and gas exploration and development, including large water volume fracturing (“fracking”), diversions or removals, it is recommended the Township amend its zoning ordinance in accordance with the following outline:

#### A. Amend or Add the following Article 2 Definitions:

1. **Add *Aquifer***: A natural underground layer of groundwater that is defined by confining layers of clay, rock or a combination of less permeable geologic formations.
2. **Add *Groundwater***: A confined or unconfined body of water moving in between definable formations or banks or percolating through or over the geological soil and/or rock formation below the natural topography or surface of the earth.
3. **Amend *Hazardous Materials***: A substance, liquid, or waste or a combination of any substance, liquid, waste or other discarded material and/or liquid, or any combination thereof, including ... disposed of, or otherwise handled or managed.
4. **Add *High Volume Water Use (“HVWU”)***: High Volume Water Use means the removal and use of 100,000 gallons or more per day over a 30-day average of water and or water mixed with chemicals or other substances from any water source, such as an aquifer, groundwater, creeks, streams, or lakes, where 25 percent or more of the water is not returned within 48 hours to the land surface overlying the aquifer from which the water is removed. It does not include large volume removal or use for farming and agriculture on contiguous land from which it is removed provided that

the water is not diverted or transferred and used in another watershed and meets the less than 25% return requirement.

5. **Add Loading Space, Off-Street:** An off-street space of definite size and dimensions with the minimum requirements of this Ordinance, which is safely and conveniently located on the same lot or legally described parcel meeting the requirements of this Ordinance.
6. **Amend Outdoor Storage:** Any outdoor storage of building materials, sand, silicas, gravel, stone, lumber, chemicals, hazardous substances, liquids in containers or pits or storage reservoirs or ponds, or other materials or supplies.
7. **Add Surface Water:** means any lake, creek, stream, or river, including any tributary thereof, defined as a “stream by the Inland Lakes and Steams Act, Part 301, as amended, NREPA, MCL 324.301 et seq, and its applicable regulations.
8. **Amend Structure:** Structures include an oil and gas structure, building, facility, equipment, or manmade alteration of a land surface that are related to the production process of oil and gas; this includes but is not limited to pipelines, flowlines, gathering lines, sweetening plants, central processing facilities, compression facilities, CO2 and H2S removal facilities, and bulk storage and mixing plants, high volume water wells, access roads, unloading areas, trucking terminals, transportation facility, parking. However, any oil and gas structure as defined in this section that has been approved or certified by the MPSC and falls within the definition of “essential public services” in this Ordinance shall be deemed an essential public service; and provided, further, that the definition of “structure” does not include the actual location, drilling, completion, operation, or abandonment of an oil and gas well, which is exempted by Section 125.3205(2) of the Zoning Enabling Act and limited by *Addison Township v Gout*, 435 Mich 809 (1990).

**B. Create “High Volume Water Use” (“HVWU”) Zoning Amendment.** The Township has authority to exercise police power or zoning power to address HVWU. Based upon our analysis, however, it is our recommendation that the Township has broader and clearer authority to regulate oil and gas structures (except oil and gas wells) through amendments to the zoning ordinance on this particular issue. A HVWU that focuses on the impacts on adjacent land uses, property and natural resources is a regulation of land use impacts under zoning law, and not a water withdrawal. A stand-alone ordinance to address HVWU would be complicated by a number of legal issues surrounding the prohibition of local police power ordinances to regulate water withdrawals under MCL 324.32726, which expressly prohibits municipalities from enacting ordinances that regulate water withdrawals.<sup>21</sup> A zoning amendment adding a SUP provision for HVWU falls outside the exemption for oil and gas wells under the Zoning Enabling Act, MCL 125.3205(2). Accordingly, it falls within the Township’s zoning authority, and the Township should consider adopting a

<sup>21</sup> “Except as authorized by the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, a local unit of government shall not enact or enforce an ordinance that regulates a large quantity withdrawal. This section is not intended to diminish or create any existing authority of municipalities to require persons to connect to municipal water supply systems as authorized by law.”



special use provision for a High Volume Water Use amendment to the zoning ordinance with the following basic requirements:

1. Declare necessity and purpose and give the source of authority as the Township Ordinance Act, and Part 17, Natural Resources and Environmental Protection (“NREPA”), MCL 324.1701 et seq.
2. Prohibit any high or large water volume removal or transfer and mixing of high or large volume of such water with any chemicals and hazardous substances unless authorized by permit issued pursuant to the ordinance or exempted by the ordinance (exemptions might include high or large volume farming irrigation wells if a valid aquifer pump test is performed, municipal or approved public water supply water wells, and such water removal or transfer is shown to be otherwise in full compliance with other applicable laws and regulations).
3. Include necessary definitions such as “large volume water removal” and “large volume water transfers” (100,000 gallons or more a day) “horizontal hydraulic fracturing,” “oil and gas exploration and development,” and others where necessary.
4. Set forth the requirements for an “administratively complete” application, including:
  - a. Location of high or large volume water well or site of water removal, or site of the water transfer.
  - b. Pipeline or other method and location and route of such transfer; purpose and end-site or location of the removal or transfer, the estimated quantity, the identification and estimated quantities of chemicals or mixtures related to its proposed use, a description of handling, discharge, or any disposal of the water, or any mixture, or waste water, produced water, or other water incidental to the use and operation.
  - c. A valid hydrogeological study, consisting of at least three (3) groundwater monitoring wells to determine static water level, groundwater gradient, velocity, hydraulic conductivities of aquifer and confining layers, and groundwater flow direction, at least three (3) electronically monitored water flow and gauging stations (one upstream for baseline, one at the closest point by straight line distance to the location of well or removal, and one not more than ¼ to ½ mile downstream.
  - d. A valid aquifer pump test for at least 72 hours, under 100-day drought conditions.

- e. Cumulative and continuing or intermittent days and hours of water removal, transfer, and use, and impacts and effects on flows, levels, and aquatic and other natural resources, and the effect or impact on private property, and private or public use of those resources.
  - f. Overall environmental impact assessment or study on the overall project for which the high or large water volume removal, transfer, and use is required, including contiguous, adjacent or nearby uses, activities, facilities, equipment, and operations.
  - g. A valid spill prevention, control and countermeasure (“SPCC”) plan per Act 31 and its administrative rules and MDEQ protocols, accident prevention and emergency response plan for any event resulting in impacts on water quality, levels, flows, water and natural resources, wildlife, or environment, or to person or property, including escape or release of water, chemicals and/or mixtures, liquids, sludge, or other hazardous substance to the environment.
5. Provide procedures for processing, review, hearings, and decisions, findings, conditions on the application for permit, and reimbursement of experts and costs or expenses related to review of application, hearings.
  6. Authorize special conditions related to protection of person or property, or the public health, public safety and general welfare of the township, such as required performance, bonds, and indemnity.
  7. Delineate the specific standards required for authorization of permit or approval, such as:
    - a. Application is determined to be administratively complete.
    - b. No measurable and significant diminishment or reduction of flows, or levels of any river, creek, pond, stream, or lake; if the diminishment or reduction is more than ten (10) percent, it shall be presumed that a removal or transfer is measurable and significant.
    - c. No likely pollution or impairment of water, aquatic wildlife, or water dependent resource or habitat.
    - d. No probable release or escape of any chemical mixture, liquid or hazardous substance, and no reasonable likelihood of toxic or hazardous chemical to the environment or substance contamination or pollution of groundwater, river, creek, wetland, pond, stream, or lake.
    - e. Will not significantly interfere with existing or reasonably anticipated (i.e. as envisioned by the Township Master Plan and enabled by the Township ordinance in effect at this time) future adjacent or nearby

water uses, water dependent uses or activities.

- f. Compatible and consistent with any adjacent or nearby water uses and activities, or water dependent uses or activities.
  - g. Specific conditions can be imposed that will prevent a probable violation of the above standards.
  - h. Provide for enforcement, fines, and civil penalties.
  - i. Provide for suspension, revocation, or other orders in event of violation of ordinance, the permit, or conditions of any permit or approval.
  - j. Include severance and continued validity of other provisions clause.
  - k. Establish effective date.
- C. **Amend Section 6.12 Preservation of Environmental Quality** and add “C. A person shall not engage in or be permitted to engage in any conduct that is or is likely to result in pollution, impairment, or destruction of air, water, natural resources or public trust in those resources within the Township, unless there exists no feasible and prudent alternative and such conduct is consistent with the residents’ public health, safety, and welfare.”
- D. **Amend Section 6.14A Unlawful Accumulation or Dumping:** “The use of the land for the storage or collection or accumulation of used lumber and other used [and *hazardous* materials]...[same]”
- E. **Amend Section 7.03, Special Uses:** Include Oil and Gas Structures as defined in this Ordinance, subject to special land use permit and site or development plan requirements, any other applicable requirements of Articles 6 (General and Supplementary Regulations), 13 (Special Lane Uses), 14 (Site Plan Review), industrial performance standards in accordance with Section 11.04, and any other applicable requirements of this Ordinance.
- F. **Amend Section 11.03, Special Approval in I Industrial District:** Add Oil and Gas Structures to this list and require special approval of the Planning Commission pursuant to the standards of Article 13 Special Land Uses, include compliance to industrial performance standards in accordance with Section 11.04, and any other applicable requirements of this Ordinance.
- G. **Amend Section 14.02 Site Plan Review Required:** Add subsection 9: Oil and Gas Structure.
- H. **Amend Section 14.03.C.6 Environmental Impact Assessment:** Add C 6: Conduct Environmental Impact Assessment (“EIA”) for important evidence and consideration of likely adverse effects and impacts, including likely pollution, impairment,

degradation, or impacts to air, water, natural resources, or the use and enjoyment of public land and resources, and including an valuation of feasible and prudent alternatives and best available technology (“BAT”).

- I. **Amend Article 13 by renaming Section 13.10** Site Design Conditions to 13.10 Supplemental Standards and Conditions of Specific Land Uses.
- J. Amend Article 13 by adding **New Section 13.10W: Oil and Gas Structures:** In addition to other applicable provisions of this Ordinance, as part of review and special use permit, including but not limited to Chapter 14 and Chapter 6, the following additional provisions shall apply to oil and gas structures:
  1. Oil and gas structures shall have minimum lot size of at least \_\_\_ acres, and set back of all structures, pits, storage areas, buildings, equipment or facilities of at least 500 feet from adjacent lot lines.
  2. Oil and gas structures shall have minimum set back from the ordinary high water mark of all surface waters of 1,320 feet.
  3. Water Use Impact Study for High Volume Water Use and Water Resources, such as a scientifically reliable hydrogeological study shall be submitted to demonstrate that the proposed quantity, nature, scope and extent of any proposed water removal, use, transfers will not materially diminish adjacent groundwater wells, adjacent land uses dependent on water supply or sources, and not materially diminish or impair any groundwater or surface water.
  4. Chemical Handling, Storage, Transport, and Mixing. A list and quantity of proposed chemicals, hazardous substances, liquids, mixtures, brines, flowback, and other potential pollutants that are proposed to be transported to or from, handled, stored, or mixed, on the property shall be disclosed. Detailed plans for transporting, handling, storage and mixing or use of chemicals or mixtures of water, chemicals and/or other materials or substances shall be submitted. Emergency response to release, spill, accident with respect to such transport, handling, storage and mixing shall be submitted. The water impact study required in 3 above shall include identification of groundwater flow direction, connection of groundwater to any wetland, creek, lake, or stream, and any potential pathway to groundwater or such surface waters. A groundwater monitoring plan before, during, and after such handling, storage, mixing, or transport shall be submitted.
  5. Environmental Impact Assessment per Section 14.03.C.6 for important evidence and consideration of likely adverse effects and impacts, including likely pollution, impairment, degradation, or impacts to air (such as H<sub>2</sub>S dispersion model that complies with Section 11.04G), water, natural resources, or the use and enjoyment of public land and resources.
  6. Soil Erosion, Sedimentation, and Storm water Control. Complete detailed

temporary and permanent soil and erosion plans and designs or measures, stormwater and drainage plans and designs and measures, and related permits required by state and/or local law, regulations, or ordinances, and “as built” plans, shall be submitted to demonstrate that there will be no increase rate of flow or quantity of surface run-off, based on two back-to-back 100-year storm events, taking into account the more extreme precipitation and storm events associated with studies and predictions due to climate change.

[Note: Unlike Soil and Erosion Permits and Standards, ultimately regulated by DEQ, *Alcona County v Wolverine Environmental Systems*, 590 NW 2d 586 (1998), stormwater provisions fall within the scope of power for local governments to regulated.]

7. Compliance with Section 6.12 Preservation of Environmental Quality, such that the proposed oil and gas structure located in any zoning district shall not obstruct or alter any river, stream, watercourse, drainage way or wetland, whether file or partly filed with water, except as provided in NREPA, 1994 PA 451, MCL 324.101 et seq, as amended.
8. Site Plan or Development Plan shall include, in addition to the provisions of the Ordinance, flowlines, gathering lines, pipelines, road and/or driveway access, alternative road access, truck and vehicle traffic routes, truck and vehicle terminals and off-street parking, and the location of the oil and/or gas well to which these ancillary structures or facilities are connected.
9. Site Plan and Design for all ancillary structures, pits, storage and mixing areas, tanks, vents, flares, and identification of potential air emissions or pollutants or hazardous substances that may escape or released from such ancillary land uses, structures or their operation.
10. Demonstration that air emissions, pollutants, odors will not exceed any federal and state standard for air pollution, hazardous substance, or nuisance under federal and/or state law or regulations.
11. Compliance and approval for such oil and gas structures, to the extent feasible, with the special provisions in Section 6.06.
12. Compliance with Section 6.11, Driveway Access; Equivalent Grades, under the terms of the Ordinance shall be met and approved.
13. Compliance with Section 6.16, Required Landscaping and Screening, under the terms of the Ordinance shall be met and approved.
14. Compliance with Section 6.19, Fire and Explosive Hazards, under the terms of the Ordinance shall be met and approved.
15. Compliance with Section 11.04 Industrial Performance Standards, which

includes noise, smoke dust, dirt, and fly ash, glare and hear, odor, vibration, fire and safety hazards, CO and H2S gases, electromagnetic radiation, drifting and airborne matter, under the terms of the Ordinance shall be met and approved.

16. Submission of Aerial Information Map, Topographical Survey, overall plan and hours of operation, Reclamation and Restoration Plan, after production of the oil and gas well or wells to which the ancillary use or structure is associated or connected, or at time of permanent removal of such ancillary uses or structures.
17. Performance Bond adequate in amount and terms to cover the cost and expense to complete any and all of the requirements of this or other applicable provisions of the Ordinance, including Section 3.06.
18. Required Federal, State, and Local Permits and Approvals for any ancillary oil and gas uses or structures shall be submitted as part of application, and if approved made a condition of any permit and are enforceable by the Township as a violation of a permit and this Ordinance.

## CONWAY TOWNSHIP POLICY No. 7

### **PUBLIC COMMENT AND CONDUCT POLICY**

Conway Township Board recognizes its obligation to obtain and the benefits to be received from public comments on matters pending before the Board. To provide an orderly and efficient manner to obtain public comment and to provide the public with an opportunity to participate in public meetings, the Conway Township Board hereby adopts the following policy for public comment and conduct at public meetings:

1. Public comment is restricted to only those times designated for public comment on the agenda, unless permitted otherwise by the chairperson or a majority of the Board. All persons addressing the Board shall comment only after being recognized by the chairperson conducting the meeting.
2. No individual speaker shall be permitted to speak more than 3 minutes regardless of topic and no time may be transferred or assigned by others to the speaker as to extend the 3-minute time limit. At the discretion of the chairperson, a speaker may be allowed to comment further than the three-minute limit. Alternatively, the chairperson may direct the speaker to submit further comment to the Board in writing at a later date.
3. When recognized by the chairperson to speak, the individual recognized shall approach and speak from the podium or location designated by the chairperson and shall not deviate from the location. When the speaker is advised by the chairperson to stop speaking when time has expired, the speaker shall cease speaking and be seated.
4. Prior to addressing the Board, each speaker shall first state for the record the speaker's name and address, the subject on which the speaker will speak, and state whether the speaker represents an organization or other person, and identify such organization or person. All remarks shall be addressed to the Board as a whole and not to any member thereof specifically or any other member of the public. Public comment is not intended to require Board members or Township staff to provide any answer to the speaker. Discussions between speakers and members of the audience will not be permitted.
5. Only one speaker will be acknowledged at a time. In the event that a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a person shall be designated to express the group's concern. A maximum of three speakers may speak on the same subject unless otherwise allowed by a vote of the majority of members of the Board present. The Board may direct other persons to submit comments to the Board in writing in the same manner as designated above.
6. Public comments must be presented in a respectful manner and participants shall conduct themselves in an orderly and civil manner. Comments or language of a lewd, insulting, or provocative nature shall not be permitted. No person shall disrupt the Board and/or partake in behavior that becomes hostile, argumentative or threatens the public or an individual's safety, or is disruptive to the meeting. No person shall utilize any profane or obscene speech or gesture.
7. Violation of any provision of this policy shall be deemed a breach of the peace and such person will be asked to leave. If the person being asked to leave does not voluntarily leave or cease the behavior, the person may be ejected and law enforcement may be called to remove the person.
8. Any person shall have the right to tape record, videotape or broadcast the proceedings of the Township Board, but shall not utilize the electric outlets of the Township without prior permission of the Township Clerk. Any tape recording, video camera or other camera utilized by any such person, shall be kept at least ten feet from all members of the Board and shall not be placed behind them.

This policy may be adopted for use by other boards, commissions, and committees of the Township. This policy or a summary of it may be placed on the back of the meeting agenda or made available with the meeting agenda.

\* \* \* \* \*

I, Cindy Dickerson, Conway Township Clerk, hereby certify that this administrative Conway Township Policy No. 7 was approved by a regular meeting of the Conway Township Board on June 17, 2014.

/s/ \_\_\_\_\_  
Cindy Dickerson  
Conway Township Clerk



**Londa Horton**

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**From:** Helicopter Air Speciality Service <dennisb8403l@gmail.com>  
**Sent:** Wednesday, June 18, 2014 2:41 PM  
**To:** Scott Buell; Mike Stock; Mike Rife; Londa Horton; Larry Parsons; Helicopter Air Speciality Service; George Pushies; Denny Sommer; Debbie Grubb; Cindy Dickerson; Abby Cooper; Bill Call  
**Subject:** Planning Commission Minutes 6.17.14

Conway Township joint Planning Commission & Board of Trustee's Meeting  
June 17, 2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies, Scott Buel

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Scott Buel Discussed the road projects for this year

The Board approved a new public comment policy

The Board approved any Commissioner to attend the Planning and Zoning Training in Frankenmuth on July 22 at the Bavarian Inn Lodge.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
6/17/14

# Conway Township Planning Commission Meeting Minutes

## August 11, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Herm &amp; Shirley Yost, Bill Call, Brande Nogasbky, Bob Carusi.</li> <li>• Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, and Dennis Bowdoin. Mike Stock absent.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is September 8, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Scott Buell, Larry Parsons, Londa Horton. Mike Stock absent.	
<b>Minutes from last meeting</b>	Larry Parsons made a motion to accept the July 14 regular meeting minutes and the July 15 joint meeting minutes. Second by Dennis Sommer. All in favor. Motion passed.	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	Fracking Advisory Committee member Bob Carusi reported on attending the DEQ hearing at the Lansing Center on July 16. There were about 75-100 anti-fracking people in attendance, lots of protesters.	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>• -0-</li> </ul>	
<b>Old Business</b>	<ul style="list-style-type: none"> <li>• Scott Buell reported that N. Fowlerville Road's blacktop sealer has been applied and the road work completed. Road funding questions were asked by George Pushies. Scott mentioned he had a pie chart to share with the group.</li> <li>• Reminder to all Conway residents to use county code 47 when renewing licenses so that that money is allocated to our roads. Scott Buell clarified that road maintenance money is based on the county population not the number of vehicles registered.</li> </ul>	<b>Scott to bring pie chart to display how roads are funded.</b>

# Conway Township Planning Commission Meeting Minutes

## August 11, 2014

Agenda	Items Discussed	Actions to be Taken
<b>New Business</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to amend the Bylaws to change the meeting times for the Planning Commission from 7:30pm to "time as posted." Second by Larry Parsons. All in favor. Motion passed.</li> <li>• Discussion regarding printing of meeting agendas for public. Request clarification from Board whether this is a Clerk or Deputy Clerk task.</li> <li>• Need clarification regarding whether Dennis Bowdoin needs to take meeting minute notes when attending Board or Joint meetings.</li> <li>• August 13 is the next Emergency planning meeting.</li> <li>• August 19 is the next Fracking Advisory Committee meeting. Discussion of FLOW updates will ensue.</li> <li>• County Planning Commission meeting is August 20.</li> </ul>	<p><b>Dennis to take time change in the Bylaws to the Board.</b></p> <p><b>Dennis to seek clarification from Board over who prints agendas.</b></p> <p><b>Dennis to seek clarification regarding when meeting minutes are required.</b></p>
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>• Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	<ul style="list-style-type: none"> <li>• Scott Buell asked Larry Parsons, "What roads were approved to be done this year?" There is a question as to whether the website is accurate or not.</li> <li>• Bob Carusi asked if the Clerk should be hired to work an additional day?</li> <li>• September 7 is Dawn Patrol.</li> <li>• The "Hot Topics of Planning and Zoning" workshop in Frankenmuth was attended by Larry Parsons and Dennis Sommer. Larry reported that a case was cited for a trailer park and the township successfully used a moratorium whereby the developer pulled out. Wind turbines, and hauling manure which is protected by the Right to Farm Act, were hot topics. Dennis reported that medical marijuana was also a hot topic. The meeting resources can be found at: <a href="http://www.mta.mymemberfuse.com">www.mta.mymemberfuse.com</a>.</li> <li>• Scott Buell inquired about the requirements for a special meeting. Larry Parsons responded that they needed to be kept for 'special' items.</li> </ul>	<p><b>Larry Parsons to seek clarification on road work approved for this year.</b></p>
<b>General Discussion</b>	-0-	
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 7:59 p.m.</li> </ul>	



# Conway Township Planning Commission Meeting Minutes

## September 8, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Herm &amp; Shirley Yost, Bill Call, Bob Carusi, and Jeff Hodge</li> <li>• Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is October 13, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Scott Buell, Larry Parsons, Londa Horton and Mike Stock.	
<b>Minutes from last meeting</b>	Larry Parsons made a motion to accept the August 11 regular meeting minutes and the August 19 joint meeting minutes. Second by Mike Stock. All in favor. Motion passed.	
<b>Call to the Public</b>	-0-	
<b>Communications</b>	<ul style="list-style-type: none"> <li>• From Dennis Bowdoin - There is Brown Bag luncheon at noon on October 1 at the Osceola Township Hall where Ann Conklin will speak on parks. RSVP.</li> <li>• Dennis Sommer brought up Senate bill 1026 regarding restricting oil and gas drilling on populations exceeding 70,000.</li> </ul>	
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to recommend to the Township Board to approve the George Sherwood land division. There are 14 divisions still remaining with the parent parcel without counting the bonus. A bonus split is still available regarding parcel 4701-26-100-004. Scott Buell second. All in favor. Motion passed. One abstain. (These minutes were amended on October 15, 2014 changing 18 divisions to 14 divisions.)</li> </ul>	<b>Dennis Bowdoin to take George Sherwood land division recommendation to the Board.</b>
<b>Old Business</b>	-0-	

# Conway Township Planning Commission Meeting Minutes

## September 8, 2014

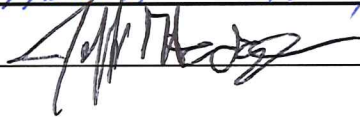
Agenda	Items Discussed	Actions to be Taken
<b>New Business</b>	<ul style="list-style-type: none"> <li>• Bill Call gave the Zoning Administrator report. AT&amp;T did approach Conway Township. The Township can charge them \$1000 total for all fees required. This is a new law passed in 2012. Also, Verizon is looking at the S.E. quadrant of the township now.</li> <li>• Bob Carusi gave an update on the Emergency Planning meeting. He got the word out at the fly-in Dawn Patrol and contacted the <i>News and Views</i>. Also noted was the Township generator did not kick-in during Friday's storm. The Supervisor could not find the key to start it.</li> <li>• Dennis Bowdoin reported on the motion by the County Planners that they can work with Conway Township on the recommendations made by FLOW. Dennis commented that the water testing, traffic on the road and a deceleration lane should be done for the entire county and that Conway Township should not foot the entire bill. Dennis Sommer commented that he heard comments from others at the meeting that Conway should not foot the entire bill. The County Planning Commission can charge Conway Township \$41.75 per hour consulting services.</li> </ul>	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>• Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	-0-	
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin reported that 1432 were fed at Dawn Patrol from the Rotary Club Sunday.</li> </ul>	
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 7:55 p.m.</li> </ul>	

# Conway Township Planning Commission Sign In Sheet Sept.,8th 2014

Name

Address

Phone

Name	Address	Phone
HERMAN + SHIRLEY	POST 7654 CHASE LAKE	517-223-1228
		

## Londa Horton

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**From:** Michael and Cristine Stock <mcaemstock@gmail.com>  
**It:** Wednesday, September 03, 2014 11:49 AM  
**To:** Helicopter Air Speciality Service  
**Cc:** Scott Buell; Mike Rife; Londa Horton; Larry Parsons; George Pushies; Denny Sommer; Debbie Grubb; Cindy Dickerson; Abby Cooper; Bill Call  
**Subject:** Re: Agenda for Sept. 8, 2014

Maybe a brief summary of the Livingston County Planning Commission meeting that occurred on August 20th. Denny, Kim, Bob and myself were in attendance.

On Wed, Sep 3, 2014 at 7:41 AM, Helicopter Air Speciality Service <dennisb84031@gmail.com> wrote:  
Anyone have anything to add?



**Londa Horton**

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**From:** Helicopter Air Speciality Service <dennisb84031@gmail.com>  
**nt:** Wednesday, August 20, 2014 6:06 PM  
**To:** Scott Buell; Mike Stock; Mike Rife; Londa Horton; Larry Parsons; Helicopter Air Speciality Service; George Pushies; Denny Sommer; Debbie Grubb; Cindy Dickerson; Abby Cooper; Bill Call  
**Subject:** Planning Commission Minutes 8.19.14 *Joint meeting*

Conway Township joint Planning Commission & Board of Trustee's Meeting  
Aug.19,2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies,

Dennis Bowdoin gave the Planning Commission report to the Board

Mike Stock gave the Recreation report

Larry Parsons discussed the change in the by-laws, if we have to take minutes at these joint meetings (yes), and who will print the agenda's for the public. (Zoning Administrator).

Dennis Bowdoin discussed the Airport noise complaint about the sky divers and helicopters.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
8/19/14

# Conway Township Joint Meeting Minutes

## September 30, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Herm &amp; Shirley Yost, Bill Call, Bob Carusi, Jeff Hodge, Paige Lloyd, plus three other residents.</li> <li>• Conway Township Board &amp; Planning Commission Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, Dennis Bowdoin, Eric West, Cindy Dickerson.</li> <li>• Members of the Livingston County Planning Department: Rob Stanford, Scott Berb</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	Cindy Dickerson led in the Pledge of Allegiance at 7:00pm.	
<b>Special Meeting to discuss FLOW recommendations and next steps with regard to the fracking operation</b>	<p>Jeff Hodges recommended the high priority items to regulate with regard to FLOW recommendations:</p> <ol style="list-style-type: none"> <li>1. Create a high volume water unit ordinance</li> <li>2. Site plan review</li> <li>3. Nuisance ordinance</li> <li>4. Work hours</li> <li>5. Barrier amongst adjoining parcels for noise containment</li> </ol> <p>Scott Berb commented:</p> <ul style="list-style-type: none"> <li>• PA 451, look to this to regulate against the Michigan Zoning Enabling Act. The EPA decides what you can and cannot control. The State already controls high volume water unit.</li> <li>• Mining and extraction unit – you can put this in an ordinance and make it a headache for anyone to come in and frack.</li> <li>• The Township does not want to zone against fracking.</li> <li>• The Livingston County Planning Department will develop a first draft document of verbiage to present to the Planning Commission at the next October meeting. The Planning Commission would then offer up revisions for the November meeting so that at the outcome of three meetings ending in December, the document would be complete. This document would stand up in court. The County Planning Department offers their unbiased opinion on the issue before them.</li> <li>• Conway Township can have two sets of standards: one for farmers and one for frackers. Farmers are covered under the Right to Farm Act.</li> </ul> <p>Dennis Bowdoin commented that the county controls the roads, not the township. Bonding on the trucks occurs at the county level. Water wells are controlled by the County Health Department except for a fracked well. Baseline testing could be mandated at the county level. Regarding noise levels, if the noise is less than that of a lawn mower, it doesn't stand up in court. And, a noise ordinance could have far reaching effects on such things</p>	

# Conway Township Joint Meeting Minutes

## September 30, 2014

Agenda	Items Discussed	Actions to be Taken
	<p>as dirt bikes, etc. Who is going to be the enforcer?</p> <p>George Pushies asked what the county is going to provide at the county level and wanted case law citations.</p> <p>Scott Berb commented that there are no county ordinances. He and Rob attended to help Conway Township come up with controls for land use.</p> <p>George Pushies countered that the Livingston County Health Department did not look at the Sherwood well to his knowledge.</p> <p>Scott Buell offered that once an operation such as fracking starts drilling, they cannot just stop drilling. The pre and post drilling hours could be set however.</p> <p>Cindy Dickerson volunteered that her top three priorities to work on would be:</p> <ol style="list-style-type: none"> <li>1. Nuisance impacts (noise, dust, vibrations, odors, air emissions, and hours of operation)</li> <li>2. Production, sweetening and other ancillary facilities and equipment</li> <li>3. Ancillary industrial land use facilities or incompatible uses</li> </ol> <p>Larry Parsons suggested the efforts concentrate on #6 of the Michigan Zoning Enabling Act.</p> <p>Scott Berb offered that the Township does not want ordinances deemed exclusionary. Be broader and the ordinance is scrutinized less legally, e.g. mining, extraction.</p> <p>Larry Parsons countered that the Sherwood well was deemed acidized not fracking.</p> <p>Mike Stock commented that this well operation did not spend time with the residents in preparing them for what was to occur. They must have an extensive site plan. They owe that to the area residents.</p> <p>Londa Horton offered that the non-disclosure and use of chemicals should be the number one priority. The Township could not get the frackers to disclose what they would use. We had to do our own research.</p> <p>Eric West commented that gas and propane was stored on this well site. We want to know what hazardous chemicals were used.</p> <p>Dennis Bowdoin offered that Conway Township does not want to be a test case. The people have a right a use their land and those around them to know what is going on.</p> <p>Dennis Somner offered that it is frustrating all that we cannot do.</p> <p>Rob Stanford commented that they will look through the special use.</p> <p>Dennis Bowdoin will call Mike Crain at the County Road Commission.</p>	<p>Dennis Bowdoin will call Mike Crain.</p>

# Conway Township Joint Meeting Minutes

## September 30, 2014

Agenda	Items Discussed	Actions to be Taken
	George Pushies asked how a township would know from the DEQ when a well is to start? This has been an outstanding issue.	
<b>Call to Public</b>	<p>Conway Township residents spoke:</p> <ul style="list-style-type: none"> <li>• Herm Yost offered that when he approached the County Road Commission regarding truck road sign limits and it was being abused on Chase Lake Road, nothing was done. Further, it is now surfacing that poison used in the gold rush days out west to dig for gold and left there afterward is still poisoning their water.</li> <li>• Paige Lloyd asked about the inability to ban fracking according to section 205 part 2 and that the Township cannot regulate actual drilling. Additionally she asked about how far away from a resident's well can a fracking well be drilled. George Pushies offered that the DEQ handles all permitting. When asked about discovering if her land was under a mineral rights lease, she was directed to the Register of Deeds at the Howell County Courthouse.</li> <li>• Another resident asked if the Township could regulate the number of trucks hauling flammable liquid. The response offered was that this is not under township control.</li> <li>• Bob Carusi commented that in Kalkaska the resident wells in the vicinity of a fracking operation went dry. The DEQ stopped the drilling and the aquifer came back.</li> </ul>	
<b>Next Steps</b>	Rob Stanford and Scott Berb will attend the October 13 Planning Commission meeting.	
<b>Adjournment</b>	This special meeting concluded at 8:20pm.	

Joint Meeting

Sept 30 2014

Please Sign In

Dennis Z Bowlsby

Bob Stanford

Livingston County Planning

Bob Carusi

Frack Ad.

GEORGE E. PUSHIES

Scott Bull

Linda Horton

SHARLEY HEAVENLY

Michael Stock

Paige Lloyd

**MICHIGAN ZONING ENABLING ACT**  
**Act 110 of 2006**

**PA 125.3205 Zoning ordinance subject to certain acts; regulation or control of oil or gas wells; prohibition; extraction of valuable natural resource; challenge to zoning decision; serious consequences resulting from extraction; factors; regulations not limited.**

Sec. 205. (1) A zoning ordinance is subject to all of the following:

- (a) The electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.
- (b) The regional transit authority act.

(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

- (a) The relationship of extraction and associated activities with existing land uses.
- (b) The impact on existing land uses in the vicinity of the property.
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- (f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

(7) This act does not limit state regulatory authority under other statutes or rules.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013.

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

PART 632

NONFERROUS METALLIC MINERAL MINING

**324.63201 Definitions.**

Sec. 63201. As used in this part:

(a) "Administratively complete" means an application for a mining permit under this part that is determined by the department to contain all of the documents and information required under this part and any rules promulgated under this part.

(b) "Affected area" means an area outside of the mining area where the land surface, surface water, groundwater, or air resources are determined through an environmental impact assessment to be potentially affected by mining operations within the proposed mining area.

(c) "Department" means the department of environmental quality.

(d) "Emergency management coordinator" means that term as defined in section 2 of the emergency management act, 1976 PA 390, MCL 30.402.

(e) "Fund" means the nonferrous metallic mineral surveillance fund created in section 63217.

(f) "Metallic product" means a commercially salable mineral produced primarily for its nonferrous metallic mineral content in its final marketable form or state.

(g) "Mining" means the excavation or removal of more than 10,000 tons of earth material a year or disturbing more than 1 acre of land a year in the regular operation of a business for the purpose of extracting a nonferrous metallic mineral or minerals by 1 or both of the following:

(i) Removing the overburden lying above natural deposits of a mineral and excavating directly from the natural deposits thus exposed or by excavating directly from deposits lying exposed in their natural state.

(ii) Excavating from below the surface of the ground by means of shafts, tunnels, or other subsurface openings.

(h) "Mining area" means an area of land from which earth material is removed in connection with nonferrous metallic mineral mining, the lands on which material from that mining is stored or deposited, the lands on which beneficiating or treatment plants and auxiliary facilities are located, the lands on which the water reservoirs used in the nonferrous metallic mineral mining process are located, and auxiliary lands that are used in connection with the mining.

(i) "Mining permit" means a permit issued under this part for conducting nonferrous metallic mineral mining and reclamation operations.

(j) "Nonferrous metallic mineral" means any ore or material to be excavated from the natural deposits on or in the earth for its metallic content, but not primarily for its iron or iron mineral content, to be used for commercial or industrial purposes.

(k) "Nonferrous metallic mineral operator" or "operator" means a permittee or other person who is engaged in, or who is preparing to engage in, mining operations for nonferrous metallic minerals, whether individually or jointly, or through agents, employees, or contractors.

(l) "Permittee" means a person who holds a mining permit.

(m) "Postclosure monitoring period" means a period following closure of a nonferrous metallic mineral mine during which the permittee is required to conduct monitoring of groundwater and surface water.

(n) "Stockpile" means material, including, but not limited to, surface overburden, rock, or lean ore, that in the process of mining and beneficiation or treatment has been removed from the earth and stored on the surface. Stockpile does not include materials that are being treated in the production of metallic products and the metallic product that has been produced by that operation.

(o) "Tailings basin" means land on which is deposited, by hydraulic or other means, the material that is separated from the metallic product in the beneficiation or treatment of minerals including any surrounding dikes constructed to contain the material.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

**324.63202 Legislative findings.**

Sec. 63202. The legislature finds that:

(a) It is the policy of this state to foster the conservation and development of the state's natural resources.

(b) Discoveries of nonferrous metallic sulfide deposits have resulted in intensive exploration activities and

may lead to the development of 1 or more mines.

(c) Nonferrous metallic sulfide deposits are different from the iron oxide ore deposits currently being mined in Michigan in that the sulfide minerals may react, when exposed to air and water, to form acid rock drainage. If the mineral products and waste materials associated with nonferrous metallic sulfide mining operations are not properly managed and controlled, they can cause significant damage to the environment, impact human health, and degrade the quality of life of the impacted community.

(d) The special concerns surrounding nonferrous metallic mineral mining warrant additional regulatory measures beyond those applied to the current iron mining operations.

(e) Nonferrous metallic mineral mining may be an important contributor to Michigan's economic vitality. The economic benefits of nonferrous metallic mineral mining shall occur only under conditions that assure that the environment, natural resources, and public health and welfare are adequately protected.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63203 Nonferrous metallic mineral mining; administration and enforcement; rules; regulation or control by local units of government.**

Sec. 63203. (1) The department shall administer and enforce this part in order to regulate nonferrous metallic mineral mining. In addition to other powers granted to it, the department may promulgate rules it considers necessary to carry out its duties under this part, including standards for construction, operation, closure, postclosure monitoring, reclamation, and remediation of a nonferrous metallic mineral mine. However, the department shall not promulgate any additional rules under this part after February 15, 2006.

(2) The department may do either of the following:

(a) Enter at all reasonable times in or upon a mining area for the purpose of inspecting and investigating conditions relating to the operation of a mining area. However, an investigation or inspection under this subsection shall comply with the United States constitution, the state constitution of 1963, and this section.

(b) Conduct research or enter into contracts related to mining areas and the reclamation of mining areas as may be necessary to implement this part.

(3) Subject to subsections (4) and (5), a local unit of government shall not regulate or control mining or reclamation activities that are subject to this part, including construction, operation, closure, postclosure monitoring, reclamation, and remediation activities, and does not have jurisdiction concerning the issuance of permits for those activities.

(4) A local unit of government may enact, maintain, and enforce ordinances, regulations, or resolutions affecting mining operations if the ordinances, regulations, or resolutions do not duplicate, contradict, or conflict with this part. In addition, a local unit of government may enact, maintain, and enforce ordinances, regulations, or resolutions regulating the hours at which mining operations may take place and routes used by vehicles in connection with mining operations. However, such ordinances, regulations, or resolutions shall be reasonable in accommodating customary nonferrous metallic mineral mining operations.

(5) Subsections (3) and (4) do not prohibit a local unit of government from conducting water quality monitoring.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004;—Am. 2005, Act 299, Imd. Eff. Dec. 21, 2005.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63205 Mining permit; application procedure.**

Sec. 63205. (1) A person shall not engage in the mining of nonferrous metallic minerals except as authorized in a mining permit issued by the department.

(2) An application for a mining permit shall be submitted to the department in a format to be developed by the department. The application shall be accompanied by all of the following:

(a) A permit application fee of \$5,000.00. The department shall forward all permit application fees received under this section to the state treasurer for deposit in the fund.

(b) An environmental impact assessment for the proposed mining operation that describes the natural and human-made features, including, but not limited to, flora, fauna, hydrology, geology, and geochemistry, and baseline conditions in the proposed mining area and the affected area that may be impacted by the mining, and the potential impacts on those features from the proposed mining operation. The environmental impact assessment shall define the affected area and shall address feasible and prudent alternatives.

(c) A mining, reclamation, and environmental protection plan for the proposed mining operation, including



beneficiation operations, that will reasonably minimize the actual and potential adverse impacts on natural resources, the environment, and public health and safety within the mining area and the affected area. The plan shall address the unique issues associated with nonferrous metallic mining and shall include all of the following:

(i) A description of materials, methods, and techniques that will be utilized.

(ii) Information that demonstrates that all methods, materials, and techniques proposed to be utilized are capable of accomplishing their stated objectives in protecting the environment and public health, except that such information may not be required for methods, materials, and techniques that are widely used in mining or other industries and are generally accepted as effective. The required information may consist of results of actual testing, modeling, documentation by credible independent testing and certification organizations, or documented applications in similar uses and settings.

(iii) Plans and schedules for interim and final reclamation of the mining area following cessation of mining operations.

(iv) A description of the geochemistry of the ore, waste rock, overburden, peripheral rock, and tailings, including characterization of leachability and reactivity.

(v) Provisions for the prevention, control, and monitoring of acid-forming waste products and other waste products from the mining process so as to prevent leaching into groundwater or runoff into surface water.

(d) A contingency plan that includes an assessment of the risk to the environment or public health and safety associated with potential significant incidents or failures and describes the operator's notification and response plans. When the application is submitted to the department, the applicant shall provide a copy of the contingency plan to each emergency management coordinator having jurisdiction over the affected area.

(e) Financial assurance as described in section 63211.

(f) A list of other state and federal permits that are anticipated to be required.

(3) The applicant has the burden of establishing that the terms and conditions set forth in the permit application; mining, reclamation, and environmental protection plan; and environmental impact assessment will result in a mining operation that reasonably minimizes actual or potential adverse impacts on air, water, and other natural resources and meets the requirements of this act.

(4) Effective 14 days after the department receives an application for a mining permit, the application shall be considered to be administratively complete unless the department proceeds as provided under subsection (5).

(5) If, before the expiration of the 14-day period under subsection (4), the department notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that the fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the department the specified information or fee amount due. The notice shall be given in writing or electronically.

(6) Within 42 days after an application for a mining permit is determined to be administratively complete, the department shall hold a public meeting on the application. The department shall give notice of the public meeting not less than 14 or more than 28 days before the date of the public meeting. The notice shall specify the time and place of the public meeting, which shall be held in the county where the proposed mining operation is located, and shall include information on how to review a copy of the application. The notice shall be given in writing to the city, village, or township and the county where the proposed mining operation is to be located and to all affected federally recognized Indian tribes in this state. The notice shall also be given by publication in a newspaper of local distribution in the area where the proposed mining operation is to be located.

(7) The department shall accept written public comment on the permit application for 28 days following the public meeting under subsection (6). Within 28 days after the expiration of the public comment period, the department shall reach a proposed decision to grant or deny a mining permit and shall establish a time and place for a public hearing on the proposed decision. The department shall give notice of the public hearing not less than 14 or more than 28 days before the date of the public hearing. The notice shall be given in writing to the city, village, or township and the county where the proposed mining operation is to be located and to all affected federally recognized Indian tribes in this state. The notice shall also be given by publication in a newspaper of local distribution in the area where the proposed mining operation is to be located. The notice shall contain all of the following:

(a) A summary of the permit application.

(b) Information on how to review a complete copy of the application. The application shall be made available at a public location in the area.

(c) A listing of other permits and hearings that are pending or anticipated under this act with respect to the

proposed mining operation.

(d) The time and place of the public hearing, which shall be held in the area where the proposed mining operation is located.

(8) The department shall accept written public comment on the proposed decision to grant or deny a mining permit for 28 days following the public hearing. At the expiration of the public comment period, the department shall issue a report summarizing all comments received and providing the department's response to the comments.

(9) Within 28 days after the expiration of the public comment period under subsection (8), the department shall grant or deny the mining permit application in writing. A determination that an application is administratively complete does not preclude the department from requiring additional information from the applicant. The 28-day period under this subsection shall be tolled until such time as the applicant submits the requested information. If a mining permit is denied, the reasons shall be stated in a written report to the applicant.

(10) A mining permit shall not be issued or transferred to a person if the department has determined that person to be in violation of this part, rules promulgated under this part, the permit, or an order of the department under this part, unless the person has corrected the violation or the person has agreed in writing to correct the violation pursuant to a compliance schedule approved by the department.

(11) Subject to subsection (10), the department shall approve a mining permit if it determines both of the following:

(a) The permit application meets the requirements of this part.

(b) The proposed mining operation will not pollute, impair, or destroy the air, water, or other natural resources or the public trust in those resources, in accordance with part 17 of this act. In making this determination, the department shall take into account the extent to which other permit determinations afford protection to natural resources. For the purposes of this subsection, excavation and removal of nonferrous metallic minerals and of associated overburden and waste rock, in and of itself, does not constitute pollution, impairment, or destruction of those natural resources.

(12) The department shall deny a mining permit if it determines the requirements of subsection (11) have not been met.

(13) Terms and conditions that are set forth in the permit application and the mining, reclamation, and environmental protection plan and that are approved by the department shall be incorporated in and become a part of the mining permit.

(14) A mining permit is not effective until all other permits required under this act for the proposed mining operation are obtained.

(15) If a person submits an application for a mining permit and 1 or more other permits under this act with respect to a particular mining operation, the department may process the applications in a coordinated fashion to the extent feasible given procedural requirements applicable to individual permits. The coordinated permit process may include consolidating public hearings under this part with public hearings required under other parts of this act. Any notice of a consolidated public hearing shall state clearly which permits are to be considered at the public hearing. An applicant may waive any required timelines under subsections (4) to (9) to facilitate the coordination.

*History:* Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

*Popular name:* Act 451

*Popular name:* NREPA

### **324.63207 Mining permit; duration; termination; revocation; transfer; amendment.**

Sec. 63207. (1) A mining permit issued by the department shall remain in effect until terminated or revoked by the department.

(2) The department may terminate a mining permit under 1 or more of the following conditions:

(a) The permittee has not commenced construction of plant facilities or conducted actual mining activities covered by the mining permit within 2 years after the effective date of the mining permit.

(b) The permittee has completed final reclamation of the mining area and requests the termination of the mining permit and the department determines all of the following:

(i) The mining operation has not polluted, impaired, or destroyed the air, water, or other natural resources or the public trust in those resources by activities conducted within the scope of the permit.

(ii) The permittee has otherwise fulfilled all conditions determined to be necessary by the department to protect the public health, safety, and welfare and the environment.

(iii) The requirements for the postclosure monitoring period have been satisfied.

(3) The department may revoke a mining permit pursuant to section 63221.

(4) A mining permit may be transferred to a new operator with approval of the department after public notice as follows:

(a) The person acquiring the mining permit shall submit to the department on forms provided by the department a request for transfer of the mining permit and shall provide the financial assurance required under section 63211.

(b) The person acquiring the mining permit shall accept the conditions of the existing mining permit and adhere to the requirements set forth in this part.

(c) If the permittee is determined by the department to be in violation of this part or the rules promulgated under this part at the mining site involved in the transfer, then the mining permit shall not be transferred to a person until the permittee has completed the necessary corrective actions or the person acquiring the mining permit has entered into a written consent agreement to correct all of the violations.

(5) Pending the transfer of an existing mining permit under subsection (4), the proposed transferee shall not operate the mine.

(6) A mining permit may be amended as follows:

(a) The permittee may submit to the department a request to amend the mining permit to address anticipated changes in the mining operation, including, if applicable, amendments to the environmental impact assessment and to the mining, reclamation, and environmental protection plan.

(b) The department may require a mining permit to be amended if the department determines that the terms and conditions of the mining permit are not providing the intended reasonable protection of the environment, natural resources, or public health and safety.

(c) Within 30 days after receiving a request to amend a mining permit, or upon a determination by the department that an amendment is necessary, the department shall determine within 30 days whether the request constitutes a significant change from the conditions of the approved mining permit. If the department determines that the request is a significant change from the conditions of the approved mining permit, the department may submit the request for amendment to the same review process as provided for a new permit application in section 63205(4) to (9). If a request to amend the mining permit is denied, the reasons for denial shall be stated in a written report to the permittee. If the department determines that the request for amendment does not constitute a significant change from the conditions of the approved mining permit, the department shall provide written notice of the determination to the city, village, or township and the county where the proposed mining operation is to be located and to all affected federally recognized Indian tribes in this state. The department shall also give notice of the determination by publication in a newspaper of local distribution in the area where the proposed mining operation is to be located. The department shall approve the amendment within 14 days after publication of the notice and shall notify the permittee of the approval.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63209 Duties of permittee.**

Sec. 63209. (1) A permittee shall comply with all other applicable permit standards under this act.

(2) A permittee shall conduct reclamation activities at a mining area in accordance with the approved mining, reclamation, and environmental protection plan.

(3) If mining operations are suspended for a continuous period exceeding 90 days, the permittee shall take actions to maintain, monitor, and secure the mining area and shall conduct any interim sloping or stabilizing of surfaces necessary to protect the environment, natural resources, or public health and safety in accordance with the permit.

(4) Subject to subsection (5), a permittee shall begin final reclamation of a mining area within 3 years of the date of cessation of mining operations and shall complete reclamation within the time set forth in the mining, reclamation, and environmental protection plan approved by the department.

(5) Upon written request of a permittee, the department may approve an extension of time to begin or complete final reclamation.

(6) A permittee shall conduct groundwater and surface water monitoring in accordance with the provisions of the permit during mining operations and during the postclosure monitoring period. The postclosure monitoring period shall be 20 years following cessation of mining, subject to the following conditions:

(a) The permittee shall provide to the department a written request to terminate the postclosure monitoring not less than 18 months before the proposed termination date and shall provide the department with technical data and information demonstrating the basis for the termination. The department shall extend the postclosure monitoring period in increments of up to 20 years unless the department determines, approximately 1 year before the end of a postclosure monitoring period or postclosure incremental monitoring period, that there is

no significant potential for water contamination resulting from the mining operation.

(b) The department may shorten the postclosure monitoring period at any time upon determining that there is no significant potential for water contamination resulting from the mining operation.

(7) The department may extend or shorten the postclosure monitoring period under subsection (6) only after public notice and opportunity for a public hearing under section 63219(2).

(8) Both the mining area and the affected area shall be reclaimed and remediated to achieve a self-sustaining ecosystem appropriate for the region that does not require perpetual care following closure and with the goal that the affected area shall be returned to the ecological conditions that approximate premining conditions subject to changes caused by nonmining activities or other natural events. Any portion of the mining area owned by the applicant may be used for any legal purposes.

(9) Compliance with the provisions of this part does not relieve a person of the obligation to comply with all other applicable tribal, state, federal, or local statutes, regulations, or ordinances.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63211 Financial assurance.**

Sec. 63211. (1) An operator shall maintain financial assurance during mining operations until the department determines that all reclamation has been completed and for a postclosure monitoring period as determined under section 63209(6) and (7), except that financial assurance shall be released immediately upon termination of a mining permit under section 63207(2)(a).

(2) The financial assurance required under subsection (1) shall apply to all mining and reclamation operations subject to the mining permit and be sufficient to cover the cost to administer, and to hire a third party to implement, reclamation under the mining, reclamation, and environmental protection plan as well as necessary environmental protection measures, including remediation of any contamination of the air, surface water, or groundwater that is in violation of the mining permit. The financial assurance shall consist of a conformance bond, escrow, cash, certificate of deposit, irrevocable letter of credit, or other equivalent security, or any combination thereof, covering at least 75% of the total required amount. Financial assurance for the balance of the required total amount, if any, shall consist of a statement of financial responsibility.

(3) Every 3 years, or as the department considers necessary, a permittee shall update the statement of financial responsibility required under subsection (2) and shall adjust the conformance bond, escrow, cash, certificate of deposit, irrevocable letter of credit, or other security, as applicable, to assure that the financial assurance is sufficient for the purposes of subsection (2).

(4) The financial assurance mechanism required by this section may be satisfied in whole or in part by financial assurance provisions required by other parts of this act if those provisions address the remediation activities required under this part.

(5) Failure to provide financial assurance under this section constitutes grounds for the department to order immediate suspension of activities at a mining operation, including the removal of metallic product from the site, pursuant to section 63221.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63213 Mining and reclamation report.**

Sec. 63213. (1) A permittee shall file with the department a mining and reclamation report on or before March 15 of each year, during the period the mine is operating and during the postclosure monitoring period. The mining and reclamation report shall contain all of the following:

(a) A description of the status of mining and reclamation operations.

(b) An update of the contingency plan. The permittee shall provide a copy of the update to the emergency management coordinator.

(c) A report of monitoring results for the preceding calendar year.

(d) A report of the total tons of material mined from the mining area, and the amount of metallic product by weight, produced from the nonferrous metallic mineral mine for the preceding calendar year.

(e) A list of the reports required under subsection (2) for the preceding calendar year.

(2) A permittee shall promptly notify the department and each emergency management coordinator having jurisdiction over the affected area of any incident, act of nature, or exceedance of a permit standard or condition at a mining operation that has created, or may create, a threat to the environment, natural resources, or public health and safety.

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(3) Records upon which the mining and reclamation reports are based shall be preserved by the permittee for 3 years and made available to the department upon request.

(4) Records upon which incident reports under subsection (2) are based shall be preserved by the permittee for 3 years or until the end of the postclosure monitoring period, whichever is later.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63215 Surveillance fee.**

Sec. 63215. (1) For purposes of surveillance, monitoring, administration, and enforcement of this part, the department shall assess a permittee a nonferrous metallic mineral surveillance fee of not more than 5 cents per ton of material mined from the mining area as reported under section 63213(1)(d), but not less than \$5,000.00, for each calendar year the mine is in operation and during the postclosure monitoring period. Surveillance fees collected under this section shall be forwarded to the state treasurer for deposit in the nonferrous metallic mineral surveillance fund created in section 63217. The surveillance fee rate shall be calculated each year as follows:

(a) The department shall determine the total tons of material mined from mining areas in this state in the prior calendar year.

(b) The department shall calculate the adjusted appropriation by deducting any unexpended money in the fund at the close of the prior fiscal year from the amount appropriated for the current fiscal year for surveillance, monitoring, administration, and enforcement of this part.

(c) The fee rate shall be the ratio, to the nearest 1/100 of 1%, of the adjusted appropriation to the total tons of material mined.

(2) The nonferrous metallic mineral surveillance fee described in subsection (1) is due by 30 days after the department sends written notice to the permittee of the amount due.

(3) A penalty equal to 10% of the amount due, or \$1,000.00, whichever is greater, shall be assessed against the permittee for a metallic mineral surveillance fee that is not paid when due. The department may file an action in the circuit court for Ingham county to collect the unpaid fee and penalty. The unpaid fee and penalty shall constitute a debt and become the basis of a judgment against the permittee.

(4) Penalties paid pursuant to this section shall be used for the implementation, administration, and enforcement of this part.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63217 Nonferrous metallic mineral surveillance fund.**

Sec. 63217. (1) The nonferrous metallic mineral surveillance fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Unexpended money in the fund at the close of the fiscal year shall remain in the fund and be carried over to the succeeding fiscal year.

(4) The department shall expend money from the fund, upon appropriation, only for surveillance, monitoring, administration, and enforcement under this part.

**History:** Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.63219 Contested case hearing.**

Sec. 63219. (1) A person who is aggrieved by an order, action, or inaction of the department or by the issuance, denial, revocation, or amendment of a mining permit under this part may file a petition with the department requesting a contested case hearing, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A petition filed more than 60 days after an order, action, or inaction of the department or an action on a mining permit may be rejected as being untimely.

(2) Any hearing under this part shall be held pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall provide notice of the hearing and shall mail copies of the notice to the person requesting the hearing and to the city, village, or township and the county where the proposed mining operation is to be located and to all affected federally recognized Indian tribes in this state.

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The department shall publish notice of the hearing in a newspaper of local distribution in the area of the mining operation at least 10 days before the hearing.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

Popular name: Act 451

Popular name: NREPA

### 324.63221 Violations.

Sec. 63221. (1) If the department determines that an operator has violated this part, a rule promulgated under this part, or a mining permit issued under this part, the department shall require the operator to correct the violation.

(2) If the department determines that a violation under subsection (1) is causing or resulting in an imminent and substantial endangerment to the public health or safety, environment, or natural resources, the department shall take action necessary to abate or eliminate the endangerment. Such action may include 1 or more of the following:

- (a) Revoking the mining permit.
- (b) Issuing an order to the operator requiring immediate suspension of activities at the mining operation, including the removal of metallic product from the site.
- (c) Issuing an order to the operator to undertake such other response actions as may be necessary to abate or eliminate the endangerment.

(3) Before taking action under this section to suspend operations or revoke a mining permit, or to otherwise prevent the continuation of mining operations, the department shall give written notice, in person or by mail, to the operator. Subject to subsection (4), the department shall provide the operator an opportunity for an evidentiary hearing.

(4) If the department finds that emergency action is required to protect the public health, safety, or welfare, or to protect the environment, the department may issue an emergency order without a public hearing to require an operator to suspend operations or to take other corrective actions. An emergency order shall remain in force and effect for not more than 21 days.

(5) If the operator or surety fails or neglects to correct the violation or take corrective actions as specified under an order of the department, the department may, after giving written notice to the operator and surety, enter in or upon the mining area and upon and across any private or public property necessary to reach the mining area and take whatever action is necessary to curtail and remediate any damage to the environment and public health resulting from the violation, and the operator and surety are jointly and severally liable for all expenses incurred by the department. The claim shall be paid by the operator or surety within 30 days, and, if the claim is not paid within that time, the department may bring suit against the operator or surety, jointly or severally, for the collection of the claim in any court of competent jurisdiction. This part does not limit the department's authority to take whatever response activities it determines necessary to protect the public health, safety, and welfare and the environment.

(6) The revocation of a mining permit or suspension of activities under subsection (2) does not relieve a permittee of the responsibility to complete reclamation, maintain financial assurance required under section 63211, and undertake all appropriate measures to protect the environment, natural resources, and public health and safety.

(7) If the department receives an allegation of improper action under or a violation of this part, a rule promulgated under this part, or a condition of a permit issued under this part, and the person making the allegation provides evidence or corroboration sufficient to support the allegation, as determined by the department, the department shall do all of the following:

- (a) Make a record of the allegation.
- (b) Conduct an inspection of the mining operation to investigate the allegation not more than 5 business days after receipt of the complaint or allegation. If the complaint or allegation is of a highly serious nature, as determined by the department, the mining operation shall be inspected as quickly as possible. However, an investigation or inspection under this subsection shall comply with the United States constitution, the state constitution of 1963, and this section.

(c) Not more than 15 business days after completing an investigation of the allegation, make a written report of the allegation and the results of the investigation to the operator and the person who made the allegation.

(8) The department shall comply with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in its actions under this section.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

Popular name: Act 451

Popular name: NREPA

**324.63223 Civil action; commencement; jurisdiction; relief; fine; violation as felony; penalties; lien.**

Sec. 63223. (1) The department may request the attorney general to commence a civil action for appropriate relief, including a permanent or temporary injunction, for a violation of this part or a provision of a permit or order issued or rule promulgated under this part. An action under this subsection may be brought in the circuit court for the county of Ingham or for the county in which the defendant is located, resides, or is doing business. The court has jurisdiction to restrain the violation and to require compliance. In addition to any other relief granted under this subsection, the court may impose a civil fine of not less than \$2,500.00, and the court may award reasonable attorney fees and costs to the prevailing party. The maximum fine imposed by the court shall be not more than \$25,000.00 per day of violation.

(2) Upon a finding by the court that an operator has violated this part or a provision of a permit or order issued or rule promulgated under this part, and that the violation poses or posed a substantial endangerment to the public health, safety, or welfare, the court shall impose, in addition to the sanctions set forth in subsection (1), a fine of not less than \$500,000.00 and not more than \$5,000,000.00.

(3) The attorney general may file a civil suit in a court of competent jurisdiction to recover, in addition to a fine, the full value of the injuries done to the natural resources of this state and the costs of surveillance and enforcement by the state resulting from the violation.

(4) A person who on or after February 1, 2005 intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit under this part or in a notice or report required by the terms and conditions of a permit issued under this part is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. Knowledge possessed by a person other than the defendant under this subsection may be attributable to the defendant if the defendant took affirmative steps to shield himself or herself from the relevant information.

(5) Upon a finding by the court that the actions taken by a criminal defendant on or after February 1, 2005 pose or posed a substantial endangerment to the public health, safety, or welfare, the court shall impose, in addition to the penalties set forth in subsection (2), a sentence of 5 years' imprisonment and a fine of not less than \$1,000,000.00.

(6) To find a defendant civilly or criminally liable for substantial endangerment under subsection (2) or (5), the court shall determine that the defendant knowingly or recklessly acted in such a manner as to cause a danger of death or serious bodily injury and that either of the following occurred:

(a) The defendant had an actual awareness, belief, or understanding that his or her conduct would cause a substantial danger of death or serious bodily injury.

(b) The defendant acted in gross disregard of the standard of care that any reasonable person should observe in similar circumstances.

(7) A civil fine or other civil award imposed under this section is payable to this state and shall be credited to the general fund. The fine constitutes a lien on any property, of any nature or kind, owned by the defendant.

(8) A lien under subsection (7) is effective and has priority over all other liens and encumbrances except those filed or recorded prior to the date of judgment only if notice of the lien is filed or recorded as required by state or federal law.

(9) A lien filed or recorded pursuant to subsection (8) shall be terminated according to the procedures required by state or federal law within 14 days after the fine or other award ordered to be paid is paid.

(10) If a violation of this part also constitutes a violation of another part of this act, a court may apply a civil fine or penalty for the violation, and each day of continued violation, in accordance with and subject to the penalty limits of the other part.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004.

Popular name: Act 451

Popular name: NREPA

**MICHIGAN ZONING ENABLING ACT**  
**Act 110 of 2006**

**PA 125.3205 Zoning ordinance subject to certain acts; regulation or control of oil or gas wells; prohibition; extraction of valuable natural resource; challenge to zoning decision; serious consequences resulting from extraction; factors; regulations not limited.**

Sec. 205. (1) A zoning ordinance is subject to all of the following:

- (a) The electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.
  - (b) The regional transit authority act.
- (2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.
- (3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
- (4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
- (5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
- (a) The relationship of extraction and associated activities with existing land uses.
  - (b) The impact on existing land uses in the vicinity of the property.
  - (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  - (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - (f) The overall public interest in the extraction of the specific natural resources on the property.
- (6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.
- (7) This act does not limit state regulatory authority under other statutes or rules.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013.



# PART 1: AMENDMENTS TO THE 2012 MASTER PLAN

The Master Plan 2012 makes it abundantly clear that the Township's highest valued land and character is its farmland and open or rural landscape.

- Sixty-five percent of the total land in Conway Township is under agricultural production.
- By contrast, just 13 percent is dedicated to residential use in the Township and only a mere 0.27 percent is allocated for commercial and public land use.

The goals and objectives in the Conway Township Plan were developed based on the responses to the township-wide citizen survey. As a whole, the Township cherishes open space, historical values or way of life, river valley water ways, recreation, and environment – rivers, lowlands, wetlands, wooded hills, rolling farms, and small towns.

The goals cited in Conway Township's 2012 Master Plan reflect these values and basic themes. A strong desire to protect the environment from potentially degrading development and land use stands out from the outlined goals, as the Township seeks to preserve the quality of the air, surface, water, and groundwater resources so that they are enjoyable for generations to come.

Specifically, the Township's goals are to:

1. Preserve agriculture as an active, viable economic activity within the Township.
2. Maintain a rural setting for residential land uses.
3. Protect natural resources, such as soils, streams, woodland areas, and wetlands, from alternations, which will diminish their quality.
4. Discourage commercial and industrial development in Conway Township.

Notably absent is any mention of historical, existing, or future oil and gas well development, storage, or production in the Master Plan.

Accordingly, to avoid future conflicts, promote harmony or compatibility, and reduce harm to above goals and objectives, the Township should consider the following recommendations:

1.	Add a Goal and/or Objective that all groundwater resources in the Township are important to	To accomplish this, the Township should include impact on farming and other land uses
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## **PART 2: AMENDMENTS OR NEW POLICE POWER ORDINANCES OR FRANCHISE AGREEMENTS**

As discussed during the public education sessions, townships have independent authority to enact police power ordinances to protect the public health, safety and general welfare and property and persons from a reasonable risk of harm.

Given the known and potential risks that have been associated with oil and gas development, including high volume water removals, chemical mixtures, accidents, releases or emissions connected with horizontal or other forms of fracturing tight certain geological formations, such an industrial or otherwise intensive activity clearly falls within the scope of authority delegated to townships under the Township Ordinance Act. MCL 41.181.

Moreover, as previously discussed in the public education sessions, the Township has direct authority to insist on consent to use its road right-of-ways through an ordinance and/or franchise agreements. Mich Const. Art. 7, Sec.29.

On review of the Townships current police power ordinances, FLOW recommends the Township consider the following provisions:

	<b>Amend Noise Ordinance No. 5 (Consider New Name: Anti-Noise Nuisance):</b>
1.	<b>Add to Section 3.01: "At a minimum, the following standard shall not be violated: "Decibel" as a unit is used to express the magnitude of sound pressure and sound intensity and "dB(A)" to mean the sound pressure level in decibels measured on the 'A' scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971." Consider setting dB(A) regulations for different zoning districts, and reference similar language and standards set forth in the Zoning Ordinance, Section 11.04, Industrial Performance Standards.</b>
2.	<b>Update entire ordinance to include noises, such as "other electronic or mechanical sound-producing device," "the operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person," and "the erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township."</b>

3.	<b>Add Section 4 Permit for New Structures and Equipment: Consider adding the following provisions:</b>	(1) permit application for new structures and equipment; (2) baseline ambient noise levels; (3) estimated noise levels; (4) best available technology ("BAT"); and (5) standard as defined in Sections 3.01 and 3.02.
4.	<b>Renumber Section 4 and make Section 5: Consider adding the following provisions:</b>	(1) Notice of Violation; (2) Cease and Desist Order; (3) monetary penalty to state "violation each day the violation continues;" (4) specific enforcement through injunction and equitable relief, and abatement and reimbursement, and all additional direct or indirect expenses to the Township; (5) citizen right to enforce the Ordinance against the violator or Township.

**Add Public Nuisance Ordinance** either to existing Noise Nuisance or a standalone ordinance to include fumes, hazardous releases, emissions, and to include as goal "unreasonable risk to public health, safety or general welfare, and to the use and enjoyment of private and public property.

Each day a violation occurs should be made a separate offense or violation.

Consideration also should be given to the right to seek enforcement, including injunctions and equitable remedies and relief, abatement, and reimbursement.

Example language: "No person, firm or corporation shall create, cause or maintain any public nuisance within the township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area."

Consider referencing similar language and standards set forth in the Zoning Ordinance, Section 11.04, Industrial Performance Standards, that regulates noise, smoke dust, dirt, and fly ash, glare and hear, odor, vibration, fire and safety hazards, gases, electromagnetic radiation, drifting and airborne matter.

### **Amend Fire Response Cost Recovery Ordinance**

Require permit on disclosure of hazardous substances, chemicals, pollutants or other potentially harmful materials, liquids, or combination, 30 days before transport to site; emergency response plan to any release, spill, emission, loss, or accident; indemnity, and bond for same; indemnity, bond for same; notice of violation, violations, sanctions, fines, fees, enforcement, remedies.

### **Amend Municipal Civil Infraction Ordinance**

Review schedule of civil fines/costs.

**Adopt a Pipeline and/or Use of Roads Ordinance and/or Franchise or Consent to Use Agreement and Approval.**

The Township has authority under the Michigan Constitution, as noted above, to require consent to use of roads and road rights of way and/or to conduct business related to use of the same.

The Township can require application, including site plan for pipelines and use of roads, hauling, delivering, transferring, handling, storing, disposing of chemicals, water and chemical mixtures, hazardous substances, and other liquids or materials related to oil and gas development that would occupy and/or use roads or road right of ways. The Township can require approval, with standards and criteria that protect the public health, safety and general welfare from risks of accidents, releases or emissions, from nuisance effects or impacts.

The Township can require conditions, such as notification and disclosure before use of roads of any chemical or hazardous substances or mixtures, with accident prevention and emergency response plan, in conjunction with notice to the Fire Department.

The Township can require indemnities, bond, insurance, or other financial assurances to cover loss, injury, damages or reimbursement. If the federal government approves the natural gas pipeline, it is exempt and cannot be regulated by local units of government. If the state Michigan Public Service Commission ("MPSC") approves and certifies the pipeline, it can be regulated so long as its location is not prohibited and the regulations are reasonable.

If it is not approved by the MPSC, then its location and other aspects may be regulated more completely.

**Provisions for a Pipeline and Road Use Ordinance.**

Purpose to regulate and township police power law; local control of roads and right of ways, franchise provision, Michigan Constitution. No location, construction or operation within any township road right-of-way without permit approval or consent to use/franchise agreement by Township Board.

Does not apply to federally and state approved distribution or service line, and if pipeline approved by MPSC permit for location of line not required, but permit for construction in accordance with the ordinance is required.

**Application requirements:**

- a. Name, address, and related information
- b. Narrative description of pipeline, purpose, and relation to overall project.

	<p>c. Site Plan showing map and location of pipeline and related facilities from oil and gas well location and facilities to connection to distribution line.</p> <p>d. Site Plan showing map, roads, road accesses, alternative accesses, truck use, truck routes, estimated truck trips, hours of operation.</p> <p>e. Description of oil, gas, stage of treatment, quantities, and chemical make-up; description of truck materials to be hauled, handled, stored, removed from township.</p> <p>f. Noise, odor, related treatment facilities, pump stations, truck vehicles; emissions to atmosphere, quantity, makeup, and equipment.</p> <p>g. Plans, design, and safety measures.</p> <p>h. Copies of permits, approvals and compliance with federal, state laws, regulations, codes, including notice, disclosure, and safety requirements.</p> <p>i. Hazardous, toxic substances to be used or transported, handled, stored.</p> <p>j. Monitoring and safety inspection plan.</p> <p>k. Release and accident prevention, emergency response plans.</p> <p>l. Reimbursement of township costs, expenses, damages or loss.</p> <p>m. Indemnity and hold harmless covenant.</p> <p>n. Bond or other suitable assurance of payment of estimated costs, expenses, or in event of damage or loss.</p>
4. Standards for approval.	
5. Conditions required.	
6. Decision making procedures.	

**Use of Right-of-Way for Public Service Commission Certified Gathering Lines or Pipelines and Use of Roads for Trucks and Transport of Hazardous Substances and Chemicals.**

Require development plan, site plan, proposed use and operations, closure, violations, notice, enforcement, penalties, sanctions, fines, fees; indemnity, defend, hold harmless, bond for same.

### Solicitation Ordinance Recommendation

The Township has the power to regulate solicitation using a solicitation ordinance.

Such ordinances are valuable resources for communities interested in limiting the negative implications of solicitation, such as unwanted intrusion of privacy, fraud, and attacks in homes by persons claiming to be solicitors.

The Township can regulate such acts by implementing a more restrictive policy on commercial organizations that wish to solicit services. However, such action would not limit companies with other political outlets from acquiring property from unwilling residents.

For example, with unitization agreements and compulsory pooling for oil and gas, limiting solicitation may not limit acquisition of land from unwilling landowners.

Additionally, the Township should be advised to carefully craft such an ordinance, as overly restrictive ordinances have the potential to be questioned by the courts. Regardless, if the Township wishes to implement such an ordinance, it is recommended to include the following elements:

**Add definition of "solicitation" to include the act of any person, whether a resident of the city or not, who goes from house to house, business to business, from place to place, in or along a highway, street, or sidewalk within the city either:**

(1) asking, either directly or indirectly, money, credit, funds, contributions, personal property, interest in land or real property, or any other thing of value, whether or not such ask is in exchange for money, funds, credit, promise, offer, option or other thing of monetary value;

(2) taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and

(3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or

	description, commonly referred to as "peddling."
<p><b>However, such a definition should not include people demonstrating the following characteristics, given that such a person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:</b></p>	<p>(1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;</p> <p>(2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;</p> <p>(3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter;</p> <p>(4) A person conducting a poll, survey or petition drive in regard to any political matter; and</p> <p>(5) A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same.</p>
<p><b>Make clear whether limitation applies to commercial and/or charitable 501(c)(3) organizations. This would enable the ordinance to maintain the flexibility of organizations such as the Girl Scouts while limiting the prevalence of commercial solicitation.</b></p>	
<p><b>Add provision to require the application for a solicitation permit, which must be carried by a person, along with photo identification, upon engaging in solicitation.</b></p>	<p>Such a permit could include the name and address of the solicitor, a brief description of the nature and length of the solicitation contemplated, and application to the police department at least thirty (30) calendar days before engaging in solicitation.</p>
	<p>This application process enables the local government to conduct criminal history background checks and to have credentials that establish the exact employer/employee relationship.</p>
<p><b>Establish a structural framework for the processing and jurisdiction of the permitting process under an existing township department.</b></p>	
<p><b>Include an automatic expiration of the permit after a specified amount of time, such as 90 days,</b></p>	

unless revoked. Permits can be renewed if the chief of police or other determines that the applicant or solicitor has acted in compliance with the permit conditions.

Include a framework to appeal a decision made concerning the application, renewal, or revocation of a permit.

Consider the formation of a "Do Not Knock" registry, containing a list of addresses of those where the owner and/or occupant has notified the township that solicitation is not permitted on the premises.

Upon enlistment to the registry, the owner and/or occupant should be able to purchase, for a nominal fee, a sticker or sign for display indicating such enlistment.

Additionally, the Township should issue an updated version of the Do Not Knock Registry monthly to all solicitors.

Articulate solicitation operating requirements to make it unlawful for any person to engage in solicitation in the following circumstances:

Without a valid solicitation permit issued by the chief of police,

On the premises identified on the then current Do Not Knock Registry or by posting a signing expressing "No Solicitation" or words of similar import,

Engaging in unwanted solicitations,

Engaging in abusive solicitation, or

Engaging in any other prohibitions on solicitation contained within the ordinance.

Add a ban on abusive activity associated with solicitation.

Abusive activity could include, but is not limited to, engaging in any of the following activities while soliciting: coming closer than three (3) feet of the person solicited to, unless and until the person solicited indicates that he or she wishes to receive the solicitation, blocking, impeding, or following the passage of the person solicited after the person has indicated his or her objection to the solicitation, or abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction.

Prohibit certain solicitation locations such as public transportation vehicles and facilities or outdoor dining areas of restaurants.

Limit permissible hours for soliciting; for example, after sunset or earlier than 8 a.m.



**Enforce the ordinance by charging the applicant or solicitor with the responsibility for the conduct all persons working, helping, assisting, volunteering for, or acting on behalf of the applicant or solicitor to whom the permit was issued.**

### **PART 3: AMENDMENTS TO THE 2009 ZONING ORDINANCE**

Generally, the existing framework of the zoning ordinance can be used to regulate ancillary land and/or water uses associated with oil and gas or other developments that will or likely would adversely impact, affect, or be incompatible with adjacent or nearby land use and character of land uses and values protected by an existing land use district as designated in the Ordinance.

Using special use permits ("SUP") is a common and effective strategy for local governments to ensure harmonious development between proposed and existing land uses. Conway Township recognizes the importance of this approach for specific uses, and has special land use permits for 22 different types of land uses including injection wells, commercial transmitting and receiving towers, and essential public service structures. Thus, the adoption of a special land use permit for ancillary oil and gas uses, facilities, and structures would comport with Conway Township's current zoning ordinances.

To address land and/or associated water uses and structures ancillary to oil and gas exploration and development, including large water volume fracturing ("fracking"), diversions or removals, it is recommended the Township amend its zoning ordinance in accordance with the following outline:

#### **Amend or Add the following Article 2 Definitions:**

**Add *Aquifer*:** A natural underground layer of groundwater that is defined by confining layers of clay, rock or a combination of less permeable geologic formations.

**Add *Groundwater*:** A confined or unconfined body of water moving in between definable formations or banks or percolating through or over the geological soil and/or rock formation below the natural topography or surface of the earth.

**Amend *Hazardous Materials*:** A substance, liquid, or waste or a combination of any substance, liquid, waste or other discarded material and/or liquid, or any combination thereof, including ... disposed of, or otherwise handled or managed.

**Add *High Volume Water Use ("HVWU")*:** High Volume Water Use means the removal and use of 100,000 gallons or more per day over a 30-day average of water and or water mixed with chemicals or other substances from any water source, such as an aquifer, groundwater, creeks, streams, or lakes, where 25 percent or more of the water is not returned within 48 hours to the land surface overlying the aquifer from

<p>approved public water supply water wells, and such water removal or transfer is shown to be otherwise in full compliance with other applicable laws and regulations).</p>	
<p>Include necessary definitions such as “large volume water removal” and “large volume water transfers” (100,000 gallons or more a day) “horizontal hydraulic fracturing,” “oil and gas exploration and development,” and others where necessary.</p>	
<p>Set forth the requirements for an “administratively complete” application, including:</p>	<p>a. Location of high or large volume water well or site of water removal, or site of the water transfer.</p> <p>b. Pipeline or other method and location and route of such transfer; purpose and end-site or location of the removal or transfer, the estimated quantity, the identification and estimated quantities of chemicals or mixtures related to its proposed use, a description of handling, discharge, or any disposal of the water, or any mixture, or waste water, produced water, or other water incidental to the use and operation.</p> <p>c. A valid hydrogeological study, consisting of at least three (3) groundwater monitoring wells to determine static water level, groundwater gradient, velocity, hydraulic conductivities of aquifer and confining layers, and groundwater flow direction, at least three (3) electronically monitored water flow and gauging stations (one upstream for baseline, one at the closest point by straight line distance to the location of well or removal, and one not more than ¼ to ½ mile downstream.</p> <p>d. A valid aquifer pump test for at least 72 hours, under 100-day drought conditions.</p> <p>e. Cumulative and continuing or intermittent days and hours of water removal, transfer, and use, and impacts and effects on flows, levels, and aquatic and other natural resources, and the effect or impact on private property, and private or public use of those resources.</p> <p>f. Overall environmental impact assessment or study on the overall project for which the high or large water volume removal, transfer, and use is required, including contiguous, adjacent or nearby uses, activities, facilities, equipment, and operations.</p>

	<p>g. A valid spill prevention, control and countermeasure ("SPCC") plan per Act 31 and its administrative rules and MDEQ protocols, accident prevention and emergency response plan for any event resulting in impacts on water quality, levels, flows, water and natural resources, wildlife, or environment, or to person or property, including escape or release of water, chemicals and/or mixtures, liquids, sludge, or other hazardous substance to the environment.</p>
<p><b>Provide procedures for processing, review, hearings, and decisions, findings, conditions on the application for permit, and reimbursement of experts and costs or expenses related to review of application, hearings.</b></p>	
<p><b>Authorize special conditions related to protection of person or property, or the public health, public safety and general welfare of the township, such as required performance, bonds, and indemnity.</b></p>	
<p><b>Delineate the specific standards required for authorization of permit or approval, such as:</b></p>	<p>a. Application is determined to be administratively complete.</p> <p>b. No measurable and significant diminishment or reduction of flows, or levels of any river, creek, pond, stream, or lake; if the diminishment or reduction is more than ten (10) percent, it shall be presumed that a removal or transfer is measurable and significant.</p> <p>c. No likely pollution or impairment of water, aquatic wildlife, or water dependent resource or habitat.</p> <p>d. No probable release or escape of any chemical mixture, liquid or hazardous substance, and no reasonable likelihood of toxic or hazardous chemical to the environment or substance contamination or pollution of groundwater, river, creek, wetland, pond, stream, or lake.</p> <p>e. Will not significantly interfere with existing or reasonably anticipated (i.e. as envisioned by the Township Master Plan and enabled by the Township ordinance in effect at this time) future adjacent or nearby water uses, water dependent uses or activities.</p>

	<p>f. Compatible and consistent with any adjacent or nearby water uses and activities, or water dependent uses or activities.</p> <p>g. Specific conditions can be imposed that will prevent a probable violation of the above standards.</p> <p>h. Provide for enforcement, fines, and civil penalties.</p> <p>i. Provide for suspension, revocation, or other orders in event of violation of ordinance, the permit, or conditions of any permit or approval.</p> <p>j. Include severance and continued validity of other provisions clause.</p> <p>k. Establish effective date.</p>
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**Amend Section 6.12 Preservation of Environmental Quality**

Add "C. A person shall not engage in or be permitted to engage in any conduct that is or is likely to result in pollution, impairment, or destruction of air, water, natural resources or public trust in those resources within the Township, unless there exists no feasible and prudent alternative and such conduct is consistent with the residents' public health, safety, and welfare."

**Amend Section 6.14A Unlawful Accumulation or Dumping:**

"The use of the land for the storage or collection or accumulation of used lumber and other used [and *hazardous materials*]....[same]"

**Amend Section 7.03, Special Uses:**

Include Oil and Gas Structures as defined in this Ordinance, subject to special land use permit and site or development plan requirements, any other applicable requirements of Articles 6 (General and Supplementary Regulations), 13 (Special Lane Uses), 14 (Site Plan Review), industrial performance standards in accordance with Section 11.04, and any other applicable requirements of this Ordinance.

**Amend Section 11.03, Special Approval in I Industrial District:**

Add Oil and Gas Structures to this list and require special approval of the Planning Commission pursuant

to the standards of Article 13 Special Land Uses, include compliance to industrial performance standards in accordance with Section 11.04, and any other applicable requirements of this Ordinance.

**Amend Section 14.02 Site Plan Review Required:**

Add subsection 9: Oil and Gas Structure.

**Amend Section 14.03.C.6 Environmental Impact Assessment:**

Add C 6: Conduct Environmental Impact Assessment (“EIA”) for important evidence and consideration of likely adverse effects and impacts, including likely pollution, impairment, degradation, or impacts to air, water, natural resources, or the use and enjoyment of public land and resources, and including an valuation of feasible and prudent alternatives and best available technology (“BAT”).

**Amend Article 13 by renaming Section 13.10**

Site Design Conditions to 13.10 Supplemental Standards and Conditions of Specific Land Uses.

**Amend Article 13 by adding New Section 13.10W: Oil and Gas Structures:**

In addition to other applicable provisions of this Ordinance, as part of review and special use permit, including but not limited to Chapter 14 and Chapter 6, the following additional provisions shall apply to oil and gas structures:

	<p>1. Oil and gas structures shall have minimum lot size of at least ___ acres, and set back of all structures, pits, storage areas, buildings, equipment or facilities of at least 500 feet from adjacent lot lines.</p> <p>Approvals for any ancillary oil and gas uses or structures shall be submitted as part of application, and if approved made a condition of any permit and are enforceable by the Township as a violation of a permit and this Ordinance.</p>
	<p>2. Oil and gas structures shall have minimum set back from the ordinary high water mark of all surface</p>

	waters of 1,320 feet.
	<p>3. Water Use Impact Study for High Volume Water Use and Water Resources, such as a scientifically reliable hydrogeological study shall be submitted to demonstrate that the proposed quantity, nature, scope and extent of any proposed water removal, use, transfers will not materially diminish adjacent groundwater wells, adjacent land uses dependent on water supply or sources, and not materially diminish or impair any groundwater or surface water.</p>
	<p>4. Chemical Handling, Storage, Transport, and Mixing. A list and quantity of proposed chemicals, hazardous substances, liquids, mixtures, brines, flowback, and other potential pollutants that are proposed to be transported to or from, handled, stored, or mixed, on the property shall be disclosed.</p> <p>Detailed plans for transporting, handling, storage and mixing or use of chemicals or mixtures of water, chemicals and/or other materials or substances shall be submitted. Emergency response to release, spill, accident with respect to such transport, handling, storage and mixing shall be submitted. The water impact study required in 3 above shall include identification of groundwater flow direction, connection of groundwater to any wetland, creek, lake, or stream, and any potential pathway to groundwater or such surface waters. A groundwater monitoring plan before, during, and after such handling, storage, mixing, or transport shall be submitted.</p>
	<p>5. Environmental Impact Assessment per Section 14.03.C.6 for important evidence and consideration of likely adverse effects and impacts, including likely pollution, impairment, degradation, or impacts to air (such as H<sub>2</sub>S dispersion model that complies with Section 11.04G), water, natural resources, or the use and enjoyment of public land and resources.</p>
	<p>6. Soil Erosion, Sedimentation, and Storm water Control. Complete detailed temporary and permanent soil and erosion plans and designs or measures, stormwater and drainage plans and designs and measures, and related permits required by state and/or local law, regulations, or ordinances, and "as built" plans, shall be submitted to demonstrate that there will be no increase rate of flow or quantity of</p>

	<p>surface run-off, based on two back-to-back 100-year storm events, taking into account the more extreme precipitation and storm events associated with studies and predictions due to climate change.</p> <p>[Note: Unlike Soil and Erosion Permits and Standards, ultimately regulated by DEQ, <i>Alcona County v Wolverine Environmental Systems</i>, 590 NW 2d 586 (1998), stormwater provisions fall within the scope of power for local governments to regulated.]</p>
	<p>7. Compliance with Section 6.12 Preservation of Environmental Quality, such that the proposed oil and gas structure located in any zoning district shall not obstruct or alter any river, stream, watercourse, drainage way or wetland, whether file or partly filed with water, except as provided in NREPA, 1994 PA 451, MCL 324.101 et seq, as amended.</p>
	<p>8. Site Plan or Development Plan shall include, in addition to the provisions of the Ordinance, flowlines, gathering lines, pipelines, road and/or driveway access, alternative road access, truck and vehicle traffic routes, truck and vehicle terminals and off-street parking, and the location of the oil and/or gas well to which these ancillary structures or facilities are connected.</p>
	<p>9. Site Plan and Design for all ancillary structures, pits, storage and mixing areas, tanks, vents, flares, and identification of potential air emissions or pollutants or hazardous substances that may escape or released from such ancillary land uses, structures or their operation.</p>
	<p>10. Demonstration that air emissions, pollutants, odors will not exceed any federal and state standard for air pollution, hazardous substance, or nuisance under federal and/or state law or regulations.</p>
	<p>11. Compliance and approval for such oil and gas structures, to the extent feasible, with the special provisions in Section 6.06.</p>
	<p>12. Compliance with Section 6.11, Driveway Access;</p>

## Londa Horton

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**From:** Helicopter Air Speciality Service <dennisb8403l@gmail.com>  
**Sent:** Thursday, September 18, 2014 8:49 AM  
**To:** Scott Buell; Mike Stock; Mike Rife; Londa Horton; Larry Parsons; Helicopter Air Speciality Service; George Pushies; Denny Sommer; Debbie Grubb; Cindy Dickerson; Abby Cooper; Bill Call  
**Subject:** Planning Commission Minutes 9.16.14

Conway Township joint Planning Commission & Board of Trustee's Meeting  
Sept.16,2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies,

Dennis Bowdoin gave the Planning Commission report to the Board

Mike Stock gave the Recreation report

Submitted by  
Dennis Bowdoin Planning Commission Chair  
9/17/14



September 9, 2014

#### Cemetery Committee meeting

Meeting started at 7 pm with Cindy Dickerson, Debbie Grubb and Herm Yost in attendance. Nikki Tomlin arrived at 7:15.

We talked about Coughran Cemetery and the driveway. Also what has been documents and the best way to go about it.

Next was the Benjamin Cemetery:

We received a quote from Carter's Cemetery Preservation to restore 72 headstones, including labor and necessary materials. For a total of \$13,530.00, he also recommends to trim the trees to allow sunlight to come in to keep the stones dry. It was discussed that we should look at trying to raise \$20,000 to cover any other unforeseen repairs, trimming of trees, stump graining, etc.

Cindy Dickerson had call the MTA (Michigan Township Association) to verify what the Cemetery can do and not do in ways of fund raising. MTA said that we can do "Go Fund Me" and "Adopt a Stone".

When talking about "Go Fund Me" and going on the site it looks like the people that do videos have a high success rate of raising funds. Nikki suggested to have the Drama Club and the high school do a video at a credit. Nikki will talk with the Drama Teacher to see if they would be willing to do this. While Nikki is talking with the Drama Teacher she is going to ask about having Honor students come and help with the documentation of the stones. If we can get several teachers involved there may be a meeting set up with Nikki, Cindy and the teachers so come up with a plan.

Nikki as also suggested a Zombie Walk (5K), scavenger hunt and a Scary Movie day/night at the Howell Theater. Nikki has met the owner before and will contact him to see if he would be willing to do something like this. The thought would be for the Howell Theater owner to sponsor this event and he would then donate a portion of the sales back to the Cemetery Fund.

Also mentioned was a Marshmallow Drop at Dawn Patrol next year and maybe a BBQ Cook Off. I'm going to sit down with Paul Harmon and ask him if the Rotary would be interested in doing something like this for our Cemetery Fund.

It was mentioned to contact Rick Van Gilder to see if he would do a night of giving a % of the sales from his Hunted Corn Maze to the Cemetery Fund. The thought on this would be for member of Conway Cemetery Board and Volunteers to work the Hunted Corn Maze that evening.

Debbie Grub will make a poster featuring some of the stones that need repairs and ask for donations. This poster will be put on the wall in the township hall.

Next meeting will be on Oct 7<sup>th</sup> at 7 pm

Meeting ended at 8 pm

# Conway Township Planning Commission Meeting Minutes

## October 14, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>Public: Herm &amp; Shirley Yost, Bill Call, Bob Carusi, and Kim Jolliff</li> <li>Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is November 10, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Scott Buell, Larry Parsons, Londa Horton and Mike Stock.	
<b>Minutes from last meeting</b>	Larry Parsons made a motion to accept the September 16th and 30th joint meeting minutes. Second by Dennis Sommer. All in favor. Motion passed. George Pushies commented that the September 8 <sup>th</sup> regular meeting minutes need to be amended showing there are 14 land divisions on the George Sherwood land division not 18 divisions. Larry Parsons made a motion to approve the September 8 <sup>th</sup> meeting minutes as amended, second by Dennis Sommer. All in favor. Motion passed.	<b>Londa Horton to amend the September 8 meeting minutes.</b>
<b>Call to the Public</b>	-0-	
<b>Communications</b>	<ul style="list-style-type: none"> <li>The Emergency Preparedness meeting will be held on November 5 at the Conway Township Hall at 7pm with Tim Hayes speaking on FEMA as reported by Bob Carusi.</li> <li>AT&amp;T has filed for the Tall Structures Act with the State. This is proposed to be a monopole located on the Dan Coon property as reported by Dennis Bowdoin.</li> </ul>	
<b>New Business</b>	<ul style="list-style-type: none"> <li>Bill Call gave the Zoning Administrator report. AT&amp;T did approach Conway Township.</li> <li>Bob Carusi gave an update on the Emergency Planning meeting. He has flyers to give to the township clerk and will post in the <i>News and Views</i>.</li> <li>Discussion regarding the Livingston County Department of Planning report sent via email by Bob Stanford and Scott Barb regarding the FLOW report. This communique' revealed that there is little value to pursue implementing ordinance/master plan language regarding the fracking ordinance project outcomes as recommended by FLOW. Dennis Bowdoin commented that we will still arrange a meeting with the County Health Department and the Road Commission.</li> </ul>	<b>Dennis Bowdoin to arrange meeting with County Health Dept. and Road Commission.</b>

# Conway Township Planning Commission Meeting Minutes

## October 14, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	-0-	
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>Herm Yost commented that the Red Cross located on Grand River has finance problems and is relocating. Also, the Emergency Response office at 911 is seeking individual CERT volunteers.</li> <li>Dennis Sommer asked if there had been any movement on the county internet. Response was no movement by Dennis Bowdoin.</li> <li>Larry Parsons asked the status of the resident complaint regarding the airplane seeding wheat in a nearby field coming too close to his house. Response was no further update by Dennis Bowdoin.</li> <li>Kim Jolliff asked for direction on the County Planners reversal decision. Dennis Bowdoin commented that getting the Township Supervisors and SEMCOG together are the next steps and that citizen support was needed. George Pushies requested written direction from the Township Board on this issue.</li> </ul>	
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 7:40 p.m.</li> </ul>	



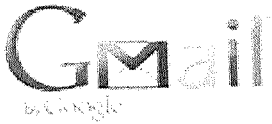
Our quarterly emergency preparedness meeting will be held on Wed. the 5<sup>th</sup> of Nov. @ 7:00 PM at the Conway Township Hall. Local resident, Tim Hayes will present a short Powerpoint training program for FEMA Domestic Preparedness.

Bob Carusi

Emerg. Planning Chair.

517-304-3445

[conemerg@gmail.com](mailto:conemerg@gmail.com)



## FW: Fracking Ordinance project

**Cindy Dickerson** <cindy@conwaytownship.com>

Wed, Oct 8, 2014 at 9:15 AM

To: Eric West <eric8181@freedomnet.org>, treasurer <treasurer@conwaytownship.com>, Kate Ruttman <deputyclerk@conwaytownship.com>, Dennis Bowden <dennisb@cac.net>, Denny Sommer <denny.sommer@live.com>, George Pushies <pgejp@hotmail.com>, Larry Parsons <lvparsons@fnwusers.com>, "londahorton@gmail.com" <londahorton@gmail.com>, Mike Stock <mcaemstock@gmail.com>, "Scott Buell (sbuell@ymail.com)" <sbuell@ymail.com>, Bob Caruci <rbcind@gmail.com>, Jeff Hodge <poncho1972@hotmail.com>, Kim Jolliff <k\_jolliff0809@yahoo.com>

Just wanted to keep you all in the loop in regards to this matter. Here is what I received from Rob Stanford yesterday.

**From:** Rob Stanford [mailto:RobS@livgov.com]

**Sent:** Tuesday, October 07, 2014 4:45 PM

**To:** Michael Rife; Cindy Dickerson; Helicopter Air Speciality Service (dennisb@cac.net); Abby Cooper

**Cc:** Scott Barb; Kathleen Kline-Hudson

**Subject:** Fracking Ordinance project

Good Afternoon Everyone:

Scott and I wanted to touch base with you as to the progress with the Ordinance contract.

After a long week of phone calls and emails last week with the following entities:

- Matt Bolang, Livingston County Department of Environmental Health
- Steve Wasylik, Livingston County Road Commission
- Adam Wygant, Michigan Department of Environmental Quality

And in addition to doing another thorough examination of the provisions of:

- The Michigan Zoning Enabling Act (MZEA - PA 110)
- Part 625 (Mineral Wells)
- Part 615 (Supervisor of Wells) of PA 451 Michigan Natural Resources and Environmental Protection Act

## (NREPA)

- Part 327 (Water Withdrawals)

We have come to the following conclusions:

As far as we have been able to ascertain in speaking with these departments, according to both Parts of NREPA cited above, the prospective oil and gas well petitioner is under no legal obligation to conform with local (in this case Township) zoning regulations or ordinances (except what is prescribed in MZEA), nor are they even required to consult with a local municipality at any time throughout this process. The Michigan DEQ and the Supervisor of Wells controls all aspects of permitting, monitoring, compliance, etc., from start to finish, when it comes to gas, oil and other petroleum product well drilling.

According to Part 615 of PA 451, these are the only requirements for well permit application from the DEQ as they pertain to local governments:

324.61525

Permit to drill well; application; bond; posting; fee; issuance; disposition of fees; availability of information pertaining to applications; information provided to city, village, or township.

Sec. 61525. (1) A person shall not drill or begin the drilling of any well for oil or gas, for secondary recovery, or a well for the disposal of salt water, or brine produced in association with oil or gas operations or other oil field wastes, or wells for the development of reservoirs for the storage of liquid or gaseous hydrocarbons, except as authorized by a permit to drill and operate the well issued by the supervisor of wells pursuant to part 13 and unless the person files with the supervisor a bond as provided in section 61506. The permittee shall post the permit in a conspicuous place at the location of the well as provided in the rules and requirements or orders issued or promulgated by the supervisor. An application for a permit shall be accompanied by a fee of \$300.00. A permit to drill and operate shall not be issued to an owner or his or her authorized representative who does not comply with the rules and requirements or orders issued or promulgated by the supervisor. A permit shall not be issued to an owner or his or her authorized representative who has not complied with or is in violation of this part or any of the rules, requirements, or orders issued or promulgated by the supervisor or the department.

(2) The supervisor shall forward all fees received under this section to the state treasurer for deposit in the fund.

(3) The supervisor shall make available to any person, upon request, not less often than weekly, the following information pertaining to applications for permits to drill and operate:

(a) Name and address of the applicant. (b) Location of proposed well.

(c) Well name and number.

(d) Proposed depth of the well. (e) Proposed formation.

(f) Surface owner.

(g) Whether hydrogen sulfide gas is expected.

324.61525a to 324.61525b

**(4) The supervisor shall provide the information under subsection (3) to the county in which an oil or gas well is proposed to be located and to the city, village, or township in which the oil or gas well is proposed to**

**be located if that city, village, or township has a population of 70,000 or more. A city, village, township, or county in which an oil or gas well is proposed to be located may provide written comments and recommendations to the supervisor pertaining to applications for permits to drill and operate. The supervisor shall consider all such comments and recommendations in reviewing the application.**

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995; -- Am. 1998, Act 252, Imd. Eff. July 10, 1998; -- Am. 1998, Act 303, Imd. Eff. July 28, 1998; -- Am. 2004, Act 325, Imd. Eff. Sep. 10, 2004.

The requirements under Part 625 of PA 451 are almost identical.

**(I have included the initial permit application instructions, the applicable State of Michigan statutes, as well as the DEQ Oil and Gas website for your information – see attached)**

DEQ Office of Oil and Gas : [http://www.michigan.gov/deq/0,1607,7-135-3311\\_4111\\_4231-9207--,00.html](http://www.michigan.gov/deq/0,1607,7-135-3311_4111_4231-9207--,00.html)

Part 327 is the primary law governing water withdrawals in Michigan. Part 327 prohibits new or increased “large quantity withdrawals” of more than 100,000 gallons per day averaged over 30 days from adversely impacting water resources and requires users who develop capacity for a large quantity withdrawal to utilize online assessment tool, register and report. Users who develop capacity to withdraw more than 2 million gallons per day are required to obtain a permit. However, withdrawals for oil and gas wells, including water for hydraulic fracturing, are currently EXEMPT under Part 327.

The MDEQ Office of Oil, Gas, & Minerals (OOGM) set permit conditions in 2011 to address water withdrawals.

The County Department of Environmental Health has no jurisdiction in any permitting or code enforcement of any kind in this regard. They will assist property owners with conducting baseline water tests.

The County Road Commission is also not an enforcement agency. We received this correspondence from LCRC in this regard:

“[Our] control would be through the ingress/egress permit process. Any site used for mining with access to a public road would require a driveway permit.

The requirements of the driveway approach would be subject to the use of the site. Heavy uses may require turn lanes, tracking controls, etc. We really



cannot control any use on the public roads if they are legally loaded, but we can control the access point. If the Township requires a site plan, PUD, or some other type of agreement with a developer, we can be involved in establishing the requirements of the agreement, but the enforcement would have to come from the Township/County/State agreement. We are not an enforcing agency.”

Essentially, the Township’s driveway standards (Article 16) of the Township ZO address this issue for the most point.

Which brings us to the provisions of the MZEA. Under MZEA, Michigan’s local units of government have broad regulatory authority to protect the health of their residents, the environment, and the local economy. However, MZEA expressly preempts regulation of the “drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes” by counties or townships. Counties and townships are also prohibited from exercising jurisdiction over the issuance of permits for location, drilling, completion, operation, or abandonment of wells.

Under MZEA, a local municipality is only allowed limited regulatory control for these elements:

1. Hours of operation (not practical for this type of mining)
2. Blasting hours (not applicable for this type of mining)
3. Noise Levels (The Township already has a General Law noise ordinance that is applicable, as well as Section 11.04 in the ZO – this is simply an enforcement issue, to the extent the Township is willing to do so)
4. Dust Control Measures (The Township already has General Provisions in the Zoning Ordinance that regulate dust, etc., in Section 11.04 of the ZO – again, simply an enforcement issue, to the extent the Township is willing to do so)
5. Traffic (as mentioned above, the Township and/or County only has regulatory jurisdiction over ingress and egress roads on the site – Township and County Private Driveway standards are applicable here).

All the above regulatory controls can be enforced, however, MZEA also states that such regulation(s) shall be reasonable in accommodating mining operations.

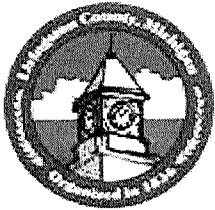
The issues brought forth from FLOW, while admirable, really are not practical in providing any type of true regulatory control, as all aspects of the permitting and monitoring of the well operation are controlled by the State. Most of the issues addressed in the FLOW document, while loosely tied to provisions of the MZEA, are either directly or indirectly controlled by the State DEQ and would be fairly redundant if implemented. Unfortunately there appears to be no real regulatory “teeth” available to local communities that holds any kind of measurable consequence attributable to the oil/gas well petitioner if not complied with.

It is our belief that unfortunately the Township essentially retains little to no measurable regulatory control in these types of uses. After a thorough review of all applicable regulations from the above referenced agencies,

county planning staff believes that regulation at the local Township level would be unnecessary due to the already existing controls that are in place to safeguard the health, safety, and welfare of the Township residents. Enforcement of any additional measures posed by the Township could potentially be superseded by state authority and could be problematic for the Township to enforce without a full time dedicated staff member to oversee the any additional ordinance regulations, not to mention the potential legal liability of attempting to enforce such regulations. While we do agree that more local control and access to information with regard to this land use activity is clearly warranted, and until such provisions are allowable, as evidenced by the voluminous number of permit requirements from the DEQ OOGM website provided above, we believe that the protections offered by the State of Michigan currently offer the best tools and practices to protect the Township from this sensitive issue.

Therefore, at this time, we believe that it would be of little value to the Township for us to continue persuing implementing ordinance/master plan language in this regard as proposed in the contract.

We welcome the opportunity meet with you as soon as we could arrange a date and time that works with you to discuss this further in person.



**Robert Stanford, AICP, PEM** | robs@livgov.com | 517.546.7555  
**Planner** | Ph: (517) 540-8730

**Scott Barb, AICP, PEM, Principal**

Principal Planner  
Livingston County Department of Planning  
Planning  
304 E. Grand River Avenue  
Howell, MI 48843

Principal Planner  
Livingston County Department of  
304 E. Grand River Avenue  
Howell, MI 48843

**3 attachments**

-  **EQC 7200 Permit Application Instructions 0114.doc**  
60K
-  **PART 615.pdf**  
920K
-  **PART 625.pdf**  
380K

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**Cindy Dickerson** <cindy@conwaytownship.com> Wed, Oct 8, 2014 at 10:33 AM  
To: Eric West <eric8181@freedomnet.org>, treasurer <treasurer@conwaytownship.com>, Kate Ruttman <deputyclerk@conwaytownship.com>, Bill Call <BillCall@handytownship.com>, Dennis Bowden <dennisb@cac.net>, Denny Sommer <denny.sommer@live.com>, George Pushies <pgejp@hotmail.com>, Larry Parsons <lvparkers@fnwusers.com>, "londahorton@gmail.com" <londahorton@gmail.com>, Mike Stock <mcaemstock@gmail.com>, "Scott Buell (sbuell@ymail.com)" <sbuell@ymail.com>, Bob Caruci <rbcind@gmail.com>, Jeff Hodge <poncho1972@hotmail.com>, Kim Jolliff <k\_jolliff0809@yahoo.com>

Here some information that Rob just shared.

**From:** Rob Stanford [mailto:RobS@livgov.com]  
**Sent:** Wednesday, October 08, 2014 8:48 AM  
**To:** Helicopter Air Specialty Service; Michael Rife; Cindy Dickerson; Abby Cooper  
**Cc:** Scott Barb; Kathleen Kline-Hudson  
**Subject:** RE: Fracking Ordinance project

This is about the best online resource I've been able to find regarding hydraulic fracturing in the State of Michigan. It's produced by the Tip of the Mitt Watershed Council, out of Petosky, MI

<http://www.watershedcouncil.org/learn/hydraulic-fracturing/>

May want to make note of it for future reference.

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**From:** Helicopter Air Specialty Service [mailto:dennisb8403l@gmail.com]  
**Sent:** Tuesday, October 07, 2014 5:41 PM  
**To:** Rob Stanford; Michael Rife; cindy@conwaytownship.com; Abby Cooper  
**Cc:** Scott Barb; Kathleen Kline-Hudson  
**Subject:** Re: Fracking Ordinance project

Rob, Scott, and Kathleen:

I will put this on my agenda next week for discussion by the Planning Commission.

Thank you so much for your time and making contact with everyone. This is very helpful for our discussion.

10/9/2014

Gmail - FW: Fracking Ordinance project

Dennis Bowdoin

**From:** Rob Stanford

**Sent:** Tuesday, October 07, 2014 4:45 PM

**To:** Michael Rife ; <mailto:cindy@conwaytownship.com> ; <mailto:dennisb@cac.net> ; Abby Cooper

[Quoted text hidden]

[Quoted text hidden]



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY - OFFICE OF OIL, GAS, AND MINERALS  
**PERMIT APPLICATION INSTRUCTIONS FOR OIL AND GAS WELLS**

Instructions for preparing an application for a permit to drill and operate an oil, gas, injection for secondary recovery, injection for brine disposal, or hydrocarbon storage well pursuant Part 615, Supervisor of Wells, Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**1. INTRODUCTION**

An application must be administratively complete for it to be processed. If an application is not administratively complete, the representative of the applicant will be notified and the application period will be tolled, until the application is complete. An applicant can expect to have a permit decision (issue, deny, or request additional information) within fifty (50) days of receipt at the Office of Oil, Gas, and Minerals office. Timely permit processing is dependent on the submittal of a complete and accurate application. When an applicant revises a surface location, it is considered a new application and resets the application period. Please also see "Explanation of the Oil and Gas Permitting Process," for additional information.

**2. FORMS USED**, may be downloaded from the DEQ web site at <http://www.michigan.gov/ogs>

- a) EQP 7200-1 (rev 8/2013) *Application for Permit to Drill and Operate a Well* (instructions on page 2)
- b) EQP 7200-2 (rev 1/2012) *Survey Record of Well Location*
- c) EQP 7200-3 (rev 1/2012) *Bond for Conformance*, see instruction No. 5 below
- d) EQP 7200-4 (rev 1/2012) *Wellhead Blowout Control System*
- e) EQP 7200-13 (rev 1/2014) *Well Permittee Organization Report*
- f) EQP 7200-14 (rev 1/2012) *Injection Well Data* (for injection wells only)
- g) EQP 7200-18 (rev 1/2012) *Soil Erosion & Sedimentation Control Plan*
- h) EQP 7200-19 (rev 1/2014) *Environmental Impact Assessment*
- i) EQP 7200-21 (rev 1/2012) *Antrim Project EIA*
- j) EQC 7200-2 (rev 1/2012) *Requesting an Exception to Special Order 2-73, as amended, if requested*

**3. FORMS USED AND NUMBER OF COPIES**

An administratively complete application includes the following documents. Also refer to "Explanation of the Oil and Gas Permitting Process," for additional information on administratively complete applications

- a) Permit fee is \$300 for all Part 615 wells. Make checks payable to the State of Michigan (bank drafts not accepted)
- b) *Bond for Conformance* (EQP 7200-3) or other instrument, if blanket bond is not on file. See instruction No. 5 below
- c) *Well Permittee Organizational Report* (EQP 7200-13), omit if current copy is on file.
- d) Please collate the following documents in order into a set:
  - 1) Cover letter with explanation of any requested exceptions or special circumstances
  - 2) *Application for Permit to Drill and Operate a Well* (EQP 7200-1)
  - 3) *Survey Record of Well Location* (EQP 7200-2)
  - 4) Supplemental Plat (additional plats may be needed for injection wells)
  - 5) Directional drilling plans (for directionally drilled wells)
  - 6) *Environmental Impact Assessment* (EQP 7200-19) and *Antrim Project EIA* (EQP 7200-21) for Antrim project wells
  - 7) *Soil Erosion & Sedimentation Control Plan* (EQP 7200-18)
  - 8) *Wellhead Blowout Control Systems* (EQP 7200-4)
  - 9) H<sub>2</sub>S Contingency plans, if well will penetrate or produce from formations likely to contain hydrogen sulfide (H<sub>2</sub>S)
  - 10) *Injection Well Data* (EQP 7200-14), for injection wells
  - 11) *Intermediate casing exception* (EQC 7200-2) if requested as part of casing program
  - 12) Copy of letter of notification to the surface owner, county clerk, and to the local emergency preparedness coordinator (for H<sub>2</sub>S wells). See instruction No. 4 below
- e) Submit one original (with original signatures) and 1 copy of all documents, identified in instruction No. 3d (total of 2 sets)
- f) A typed 8 1/2" x 11" format is preferred for all documents.

**4. REQUIRED NOTIFICATIONS**

- a) For potential H<sub>2</sub>S wells, mail a letter of notification and copy of Part II of the H<sub>2</sub>S contingency plan to the local emergency preparedness coordinator. Enclose a copy of the letter of notification to the emergency preparedness coordinator with the permit application. A listing of emergency coordinators is at <http://www.michigan.gov/mmsp>, click on 'Specialized Divisions,' then click on 'Emergency Management & Homeland Security Division,' then click on 'Local Programs Contacts.'
- b) Mail a letter of notification and a copy of form EQP 7200-1 to the surface owner and to the clerk of the county in which the well is to be located, pursuant to R324.201(2)(d). Enclose a copy of the letters of notification to the surface owner and to the county clerk with the permit application.
- c) If the well is to be located on state owned surface send surface owner notification to: Michigan Department of Natural Resources, Minerals Management Section, P O Box 30452, Lansing, MI 48909-7952. If the well will be located on federally owned surface send notification to: USDA-Forest Service, 1755 S. Mitchell Rd., Cadillac, MI 49601.

**5. CONFORMANCE BOND**

Several options are available to provide a conformance bond, call 517-284-6826 for details or go to [www.michigan.gov/ogs](http://www.michigan.gov/ogs), and click on 'Oil and Gas.' You may also refer to R324.212 for bond amounts.

- a) Certified check in the amount of bond, personal checks are not accepted as bonds.
- b) Certificate of Deposit, use form *Acceptance of CD as Performance Bond* (EQP 7200-15 single or 7200-16 blanket)
- c) Letter of Credit, use model document
- d) Surety Bond, use form EQP 7200-3, *Bond for Conformance*
- e) Statement of Financial Responsibility, use form EQP 7200-17, *Statement of Financial Responsibility*, refer to Rule 324.210.

**6. APPLICATION TO DRILL (EQP 7200-1)**

Refer to instructions on page 2 (reverse) of EQP 7200-1.

7. **SURVEY RECORD OF WELL LOCATION (EQP 7200-2)**  
 a) Have the surveyor who staked the well site complete the form. A registered surveyor must sign and seal the form.  
 b) The surveyor shall also provide an expanded supplemental plat, identifying the distance and direction to any residences, water wells, highways, power lines, or other man-made feature within 600 feet of the stake. The plat shall also identify any lakes, streams, wetlands, drainageways, floodplains, natural rivers, critical dune areas, environmentally sensitive areas or threatened or endangered species within 1320 feet and the ordinary high water mark of a Great Lake shoreline within 1500 feet of the stake.
8. **WELLHEAD BLOWOUT CONTROL SYSTEM (EQP 7200-4)**  
 Submit form EQP 7200-4, *Wellhead Blowout Control Systems*, or an equivalent. Use additional forms if necessary to identify different BOP specifications at different depths. Identify any requests for exceptions to rules R 324.406.
9. **DIRECTIONAL DRILLING PLANS**  
 If the well will be directionally drilled, include horizontal and vertical directional plans that identify:  
 a) Deviation kick-off point(s).  
 b) Degree of deviation at critical points.  
 c) Measured depth and true vertical depth of the bottom hole and at critical deviation points.  
 d) The lateral distance and direction from the surface location to the bottom hole location.  
 e) The location of drilling unit "hard lines" with respect to the lateral displacement of the borehole.  
 f) For wells which are completed "open hole" (e.g. horizontal drain holes) indicate where the open hole interval begins with respect to the lateral displacement of the borehole.
10. **ENVIRONMENTAL IMPACT ASSESSMENT (EQP 7200-19)**  
 Fill out this form for the well site and for the proposed area for production facilities. Applications for wells in an Antrim project must include a new or updated Antrim Project EIA, form EQP 7200-21. An application for a drilling permit is incomplete until all relevant portions of the EIA form(s) are completed and all required attachments have been filed.
11. **INJECTION WELL DATA (EQP 7200-14)**  
 Include this form for any injection wells (brine disposal, secondary recovery, gas storage). Follow the instructions on the form, an additional area of review supplemental plat is required. The application requirements for an injection well can be found in rule R324.201(2)(j).
12. **HYDROGEN SULFIDE CONTINGENCY PLANS**  
 Consult R324.1110 for requirements on preparing H<sub>2</sub>S contingency plans for drilling.
13. **SOIL EROSION AND SEDIMENTATION CONTROL (EQP 7200-18)**  
 For cumulative earth changes greater than one acre in size or within 500 feet of surface water or wetlands submit this form with the application, along with necessary attachments. Follow the instructions on the form and mail a copy of the form to the county or local enforcement agent (CEA) for informational purposes only. For a list of CEAs by county go to the DEQ web site at [http://www.michigan.gov/deq/0,4561,7-135-3311\\_4113-8870--00.html](http://www.michigan.gov/deq/0,4561,7-135-3311_4113-8870--00.html)
14. **APPLICATION TO DEEPEN WELL**  
 Submit all documents identified in instruction No. 3a, b, c, d, and f to deepen an existing well below the **permitted stratigraphic or producing horizon** where a well has been completed. A \$300 fee IS required. Deepening a well may affect the bonding amounts for the well.  
 Note: To drill a well **below the permitted depth but within the permitted stratigraphic or producing horizon** where a well completion or drilling completion has occurred, file an *Application to Change Well Status* form (EQP 7200-6) at the District Office, no fee is required.
15. **HORIZONTAL DRAINHOLES**  
 The pilot hole and each horizontal drainhole leg authorized under a single drilling permit will receive individual API numbers.  
 a) To apply to drill one or more horizontal drainholes (HD) from a new well, submit form EQP 7200-1 for the original pilot hole and for each HD leg. Also submit a *Survey Record of Well Location*, EQP 7200-2, for the pilot hole and each HD leg.  
 b) If a single HD will be drilled as part of a new well **without a pilot hole**, only one form EQP 7200-1 is needed. The application is completed the same as for a conventional directional well.  
 c) To drill a horizontal well from an existing wellbore, while remaining in the producing horizon, file an *Application to Change Well Status*, form EQP 7200-6, at the District Office. Include forms EQP 7200-1 and EQP 7200-2 for each HD leg identifying the distances of the surface and bottom hole location of each HD from the section lines, quarter section lines and drilling unit boundaries. **No fee is required.**  
 For all HDs, include a directional survey for each leg as in instruction No 9. If a well is **plugged back above the producing horizon** to drill a horizontal well, it is considered a directional redrill and requires a **new permit and fee.**

PAYMENT AND SUBMITTAL METHODS (QUESTIONS CALL 517-284-6826):

<p><b>ONLINE PAYMENT*</b>          When paying online, go to:  <a href="https://www.thepayplace.com/mi/deq/oilandgas">https://www.thepayplace.com/mi/deq/oilandgas</a>          Please mail the online payment receipt, one ORIGINAL &amp; one COPY of the entire application and documentation to:</p> <p>MDEQ          OFFICE OF OIL, GAS, AND MINERALS          PERMITS AND BONDING UNIT          PO BOX 30256          LANSING, MICHIGAN 48909-7756</p> <p>Or email the online payment receipt, one scanned ORIGINAL of the entire application and documentation to:  <a href="mailto:DEQ-OilandGasPermitApplications@michigan.gov">DEQ-OilandGasPermitApplications@michigan.gov</a></p> <p>*preferred method</p>	<p><b>CHECK PAYMENT</b>          Please mail a check payable to <b>STATE OF MICHIGAN</b>, one ORIGINAL and one COPY of the entire application and documentation to this address:</p> <p>MDEQ          OFFICE OF FINANCIAL MANAGEMENT          REVENUE CONTROL/CASHIER'S OFFICE          PO BOX 30657          LANSING, MICHIGAN 48909-8157</p>	<p><b>OVERNIGHT/EXPRESS DELIVERY</b>          Please send the online payment receipt or check payable to <b>STATE OF MICHIGAN</b>, one ORIGINAL and one COPY of the entire application and documentation to this address:</p> <p>MDOT          ACCOUNTING SERVICES CENTER          425 WEST OTTAWA STREET          LANSING, MICHIGAN 48933</p>
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# Conway Township Planning Commission Meeting Minutes

## November 10, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>Public: Herm Yost, Bill Call</li> <li>Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is December 8, 2014 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Scott Buell, Larry Parsons, Londa Horton and Mike Stock.	
<b>Minutes from last meeting</b>	Scott Buell made a motion to accept the October 14 meeting minutes. Second by Larry Parsons. All in favor. Motion passed.	
<b>Call to the Public</b>	Herm Yost left a CERT brochure with each Commissioner.	
<b>Communications</b>	<ul style="list-style-type: none"> <li>There is a Brown Bag luncheon on 11/12/14 at noon to discuss the Ann Arbor railroad project progress and the green infrastructure vision.</li> <li>Check with the Township clerk regarding payment for the joint meeting on 9/30/14.</li> </ul>	<b>Dennis Bowdoin to check with Cindy Dickerson regarding compensation for Commissioners for the joint meeting.</b>
<b>Land Divisions</b>	<ul style="list-style-type: none"> <li>Larry Parsons made a motion to recommend to the Township Board to approve the land division 4701-04-200-009 of Daniel Masco. Second by Mike Stock. All in favor. Motion passed.</li> </ul>	<b>Dennis Bowdoin to take land division recommendation to the Board.</b>
<b>New Business</b>	<ul style="list-style-type: none"> <li>Bill Call gave the Zoning Administrator report. He has not heard any updates from AT&amp;T nor Verizon.</li> <li>The Emergency Planning meeting of 11/5/14 provided good information on haz mat training provided by FEMA.</li> <li>The Township generator is still not fixed.</li> </ul>	
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	-0-	

# Conway Township Planning Commission Meeting Minutes

## November 10, 2014

Agenda	Items Discussed	Actions to be Taken
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>• Scott Buell questioned how to get EMS to his house on E. Lovejoy Road as GPS does not recognize this location. It was recommended to disclose the crossroads when calling and touching base with Bruce Pollack.</li> <li>• Larry Parsons and Dennis Sommer traveled to Flint on 10/29/14 for a discussion from Roe Company about sequential steps when updating the Master Plan.</li> <li>• Mike Stock would like to know which Commissioners are up for renewal.</li> <li>• Londa Horton asked for a protocol clarification regarding if the Board can respond during a query during Call to the Public. Recommendation was that members can respond, but are not required to do so.</li> </ul>	<b>Dennis Bowdoin to clarify with the Clerk who is up for renewal.</b>
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 8 p.m.</li> </ul>	





LAND DIVISION ASSESSOR'S CHECK LIST

1. Parcel Number 4701-04-200-009
2. Owner of record Lee & Barbara Mascho
3. Parent Parcel Number 4701-04-200-009
4. Owner as of 3-31-1997 Daniel Mascho (Sold 5/12/11)
5. Parent Parcel Acreage 41.7

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6. Current Parcel Acreage 41.7
7. Divisions available as of 3-31-1997 7 plus 2 Bonus Splits
8. Previous Divisions Taken 1989
9. Divisions Available 7 plus 2 Bonus Splits
10. Divisions Requested 2
11. Assessor's Plat Showing All Parent Parcel (s) Attached
12. All Previous Divisions of Parent Parcel Made After 3-31-1997  
None
13. Divisions Approved \_\_\_\_\_
14. Would this Land Division comply with the attached Split Request Data?  
Yes

Signed Karen Page Date 10-15-14  
Conway Township Assessor

**CONWAY TOWNSHIP**

8015 N Fowlerville Road

PO Box 1157

Fowlerville MI 48836

Phone 517-223-0358

Fax 517-223-0533

**PARCEL DIVISION APPLICATION**

Please answer all questions and include all attachments.

Bring or mail to Conway Township at the above address. Must arrive 14 calendar days prior to the next scheduled Planning Committee meeting.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 and P.A 87 of 1997, MCL.560.101 et.seg)

(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: \_\_\_\_\_ Road Name Lovejoy

PARENT PARCEL IDENTIFICATION NUMER: 4701-04-200-009

Parent Parcel Legal Description (DESCRIBE OR ATTACH) Attached

**2. PROPERTY OWNER INFORMATION:**

Name: Lee & Barbara Mascho Address: 11203 S. State Rd.; Morrice, MI.

Phone: (517) 625-6445 Zip code: 48857

**3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:**

- A. Number of new Parcels 2
- B. Intended use (Residential, Commercial, etc.) Agricultural
- C. Each proposed parcel has depth to width ration of 4 to 1 or \_\_\_\_\_ to \_\_\_\_\_ as provided by ordinance.
- D. Each parcel has a width of \_\_\_\_\_ (not less than required by ordinance) E.  
Each parcel has an area of \_\_\_\_\_ (not less than required by ordinance)
- F. The division of each parcel provided access as follows: (Check one)
  - N/A Each new division has frontage on an existing public road. Road Name \_\_\_\_\_
  - N/A A new shared driveway with attached maintenance agreement
  - N/A A new private road with attached maintenance agreement. Proposed Road Name \_\_\_\_\_

G. Describe or attach a legal description of proposed new road, easement or shared driveway: \_\_\_\_\_

N/A

H. Describe or attach a legal description for each proposed new parcel. Attached

**4. FUTURE DIVISIONS** being transferred from the parent parcel to another parcel.

Indicate number transferred 5

(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109(3 & 4) of the Statute.)

**5. DEVELOPMENT SITE LIMITS** (Check each which represents a condition which exists on the parent parcel:

- |   |  |
|---|--|
| <input type="checkbox"/> Waterfront Property (river, lake, pond, etc.)                                      | <input type="checkbox"/> Includes wetlands |
| <input type="checkbox"/> Is within a flood plain  | <input type="checkbox"/> Includes a beach  |
| <input type="checkbox"/> Is a muck soils or soils known to have severe limitation for a site sewage system. |  |

**6. ATTACHMENTS:** All the following attachments **MUST** be included. Letter each attachment as shown:

A. A scale drawing-not smaller than 1" to 100' for the proposed division(s) of the parent parcel showing:

1. Current boundaries (as of March 31, 1997), and
2. All previous divisions made after March 31, 1997 (indicated when made or none), and
3. The proposed division(s) and
4. Dimensions of the proposed divisions, and
5. Existing and proposed road/easement right-of-way(s), and
6. Easements for public utilities from each parcel that is a development site to existing public utility facilities, and
7. Any existing improvements (buildings, wells, septic systems, driveways, etc.) and
8. Any of the feature checked in question number 5.

B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation.

Or respective city/village street administrator, that a proposed easement provides vehicular Access to an existing Road or street meets applicable locations standards.

C. A copy of any reserved division rights (Sec. 109(2) of the act) in the parent parcel.

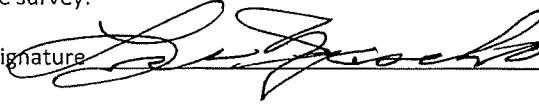
D. A current paid Tax Bill. **(LAND DIVISION WILL NOT HAPPEN UNTIL ALL TAXES ARE PAID ON PARENT PARCEL.)**

E. A signed statement from the Township Assessor that the resulting parcels can be given a SID number.

**7. IMPROVEMENTS-** Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none.)

\_\_\_\_\_  
\_\_\_\_\_

**8. ACKNOWLEDGEMENT** – The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcel(s). The division should be recorded with the Liber and Page number on the survey.

Property Owner's Signature  Date: 10 20 14

Co-Owner's Signature Barbara Mascho Date: 10-20-14

---

*For office use only:*

Signature: \_\_\_\_\_ Application Completed Date: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Denial Date: \_\_\_\_\_ Reason for denial: \_\_\_\_\_

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*Or please see attached for explanation of denial.*

CONWAY TOWNSHIP

2014 Summer

Bill #:

MESSAGE TO TAXPAYER

CONWAY TOWNSHIP TREASURER DEBRA GRUBB - 8015 N FOWLerville ROAD. PHONE 517-223-0358 HOURS TUE 1:00PM TO 3:00PM, WED 9:00AM TO 3:00PM. A COPY OF YOUR TAX BILL WILL BE SENT TO ESCROW ACCTS WHEN REQUESTED.

PAYMENT INFORMATION

THIS TAX IS DUE BY: 09/15/2014

PAYMENT CAN BE MADE AT THE FOLLOWING FOWLerville BANKS - FIRSTMERIT AND FIRST NATIONAL. A RECEIPT WILL BE MAILED. TO PAY AT CONWAY TOWNSHIP OFFICE, HOURS ARE 1:00PM TO 3:00PM TUESDAY AND 9:00AM TO 3:00PM WEDNESDAY. A DROP BOX IS LOCATED BY THE FRONT DOOR IF NEEDED.

PROPERTY INFORMATION

Property Assessed To: MASCHO, LEE HENRY & BARBARA KAY 11203 SOUTH STATE ROAD MORRICE, MI 48857 FOWLerville School: 47030 Prop #: 4701-04-200-009 Prop Addr: LOVEJOY

QUALIFIED AGRICULTURAL PROPERTY EXEMPTION

Legal Description: SEC 4 T4N R3E BEG AT THE N 1/4 COR, TH TH N89°E 336.56 FT, TH S 199.44 FT TH S22°E 61.31 FT, TH S1°E 63.94 FT, TH S34°W 89.02 FT, TH S 154.11 FT, TH E 176.76 FT, TH N 47.27 FT, TH E 160 FT, TH S 2586.58 FT, TH N89°W 638.71 FT, TH N 3077.72 FT TO POB PARCELS 1, 2 & 5, 41.7 AC M/L COMB 5/89 FROM 007 & 008

TAX DETAIL

Taxable Value: 57,048 State Equalized Value: 57,680 Class: 101 P.R.E. %: 100.0000 Mort Code:

Taxes are based upon Taxable Value. 1 mill equals \$1.00 per \$1000 of Taxable Value. Amounts with no millage are either Special Assessments or other charges added to this bill.

Table with 3 columns: DESCRIPTION, MILLAGE, AMOUNT. Rows include STATE ED TAX (6.00000, 342.28), COUNTY ALLOCATED (3.38970, 193.37), FO SCH OPERATING (18.00000, EXEMPT), LIVINGSTON ISD (2.33610, 133.26)

PAID SEP 09 2014

\*BALANCE OF DESCRIPTION ON FILE\*

OPERATING FISCAL YEARS

The taxes on bill will be used for governmental operations for the following fiscal year(s):

County: 01-01-15 - 12-31-15 Town/Cty: 04-01-14 - 03-31-15 School: 07-01-14 - 06-30-15 State: 10-01-14 - 09-30-15

Does NOT affect when the tax is due or its amount

Total Tax 29.72580 668.91 Administration Fee 6.68 TOTAL AMOUNT DUE 675.59

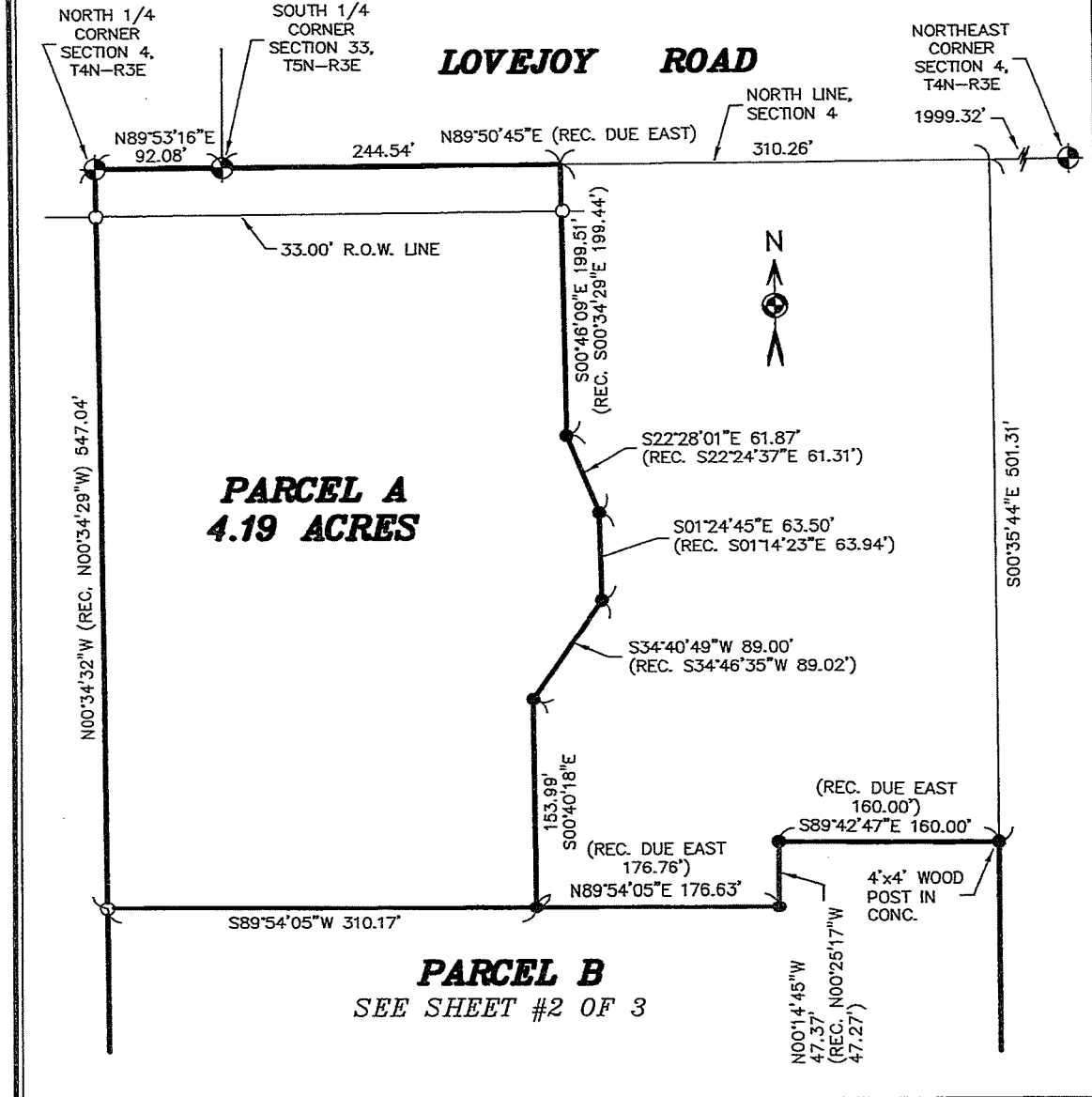
Princ. Residence Exemption Has Reduced Bill By: 1026.86

**CERTIFICATE OF LAND SURVEY**

SEE SHEET #3 OF 3 FOR DESCRIPTIONS.

**NOTES:**

- Rerods, 18" in length, with cap #24622, were driven at all points marked thus: ○
- Rerods were found at all points marked thus: ●
- The bearing of the North line of Section 4 was assumed N89°50'45"E.



CLIENT: <u>Lee Mascho</u>	Section 4, T4N-R3E, Conway Township, Livingston County, Michigan	Sheet #1 of 3
DATE: <u>October 7, 2014</u>		
SCALE: <u>1" = 100'</u> JOB NO. <u>26046</u>		

I hereby certify that I have surveyed and mapped the land above platted and/or described to 10/02/14 and that the ratio of closure on the unadjusted field observations of such survey was 3:10,000 and that all of the requirements of P.A. 132 of 1970 have been complied with.

**LANDMARK SURVEYING**

204 N. SHIAWASSEE ST.  
OWOSSO, MI 48867  
(989) 725-8725  
(810) 659-1053  
FAX (989) 725-2452  
landmark@michonline.net

**MARK L. VANRAEMDONCK**  
PROFESSIONAL SURVEYOR  
NO. 24622

Mark L. VanRaemdonck, Michigan PS 24622

SOUTH 1/4 CORNER SECTION 33, T5N-R3E

NORTH 1/4 CORNER SECTION 4, T4N-R3E

# CERTIFICATE OF LAND SURVEY LOVEJOY ROAD

SEE SHEET #1 OF 3

NORTH LINE SECTION 4

S89°42'47"E  
160.00'  
(REC. DUE EAST  
160.00')

NORTHEAST CORNER SECTION 4, T4N-R3E

4'x4' WOOD POST IN CONC.

547.04'

310.17'  
176.63'  
486.80'  
N89°54'05"E

N00°14'45"W 47.37'  
(REC. N00°25'17"W 47.27')

501.31'

SEE SHEET #3 OF 3 FOR DESCRIPTIONS.

NOTES:  
-Rerods, 18" in length, with cap #24622, were driven at all points marked thus: ○  
-Rerods were found at all points marked thus: ●  
-The bearing of the North line of Section 4 was assumed N89°50'45"E

## PARCEL B 37.54 ACRES



(REC. N00°34'29"W)  
N00°34'32"W 2530.76'

N&S 1/4 LINE

S00°23'14"E 2586.55'  
(REC. S00°25'17"E 2586.58')

FOUND "KEBS" REROD & CAP

308.68' 330.03'

(REC. N89°12'44"W 638.71')

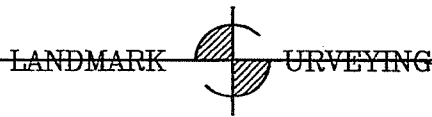
N89°14'29"W 638.71'

Sheet #2 of 2

Section 4, T4N-R3E,  
Conway Township,  
Livingston County,  
Michigan

CLIENT: Lee Mascho  
DATE: October 7, 2014  
SCALE: 1" = 300' JOB NO. 26046

I hereby certify that I have surveyed and mapped the land above platted and/or described on 10/02/14 and that the ratio of closure on the unadjusted field observations of such survey was 1:10,000 and that all of the requirements of P.A. 132 of 1970 have been complied with.



204 N. SHIAWASSEE ST.  
OWOSSO, MI 48867  
(989) 725-8725  
(810) 659-1053  
FAX (989) 725-2452  
landmark@shianet.org

MARK L. VANRAEMBOECK  
PROFESSIONAL SURVEYOR  
NO. 24622  
MICHIGAN  
RECEIVED: 10/02/14  
10/02/14  
10/02/14



## CERTIFICATE OF LAND SURVEY

### DESCRIPTIONS:

Parcel A - Part of the Northwest 1/4 of the Northeast 1/4 of Section 4, T4N-R3E, Conway Township, Livingston County, Michigan, described as beginning at the North 1/4 corner of said Section 4; thence N89°53'16"E on the North line of said Section 4 a distance of 92.08 feet to the South 1/4 corner of Section 3, T5N-R3E, Antrim Township, Shiawassee County, Michigan; thence N89°50'45"E (recorded as due East) on the North line of said Section 4 a distance of 244.54 feet; thence S00°46'09"E 199.51 feet (recorded as S00°34'29"E 199.44 feet); thence S22°28'01"E 61.87 feet (recorded as S22°24'37"E 61.31 feet); thence S01°24'45"E 63.50 feet (recorded as S01°14'23"E 63.94 feet); thence S34°40'49"W 89.00 feet (recorded as S34°46'35"W 89.02 feet); thence S00°40'18"E 153.99 feet; thence S89°54'05"W 310.17 feet to the North and South 1/4 line of said Section 4; thence N00°34'32"W (recorded as N00°34'29"W) 547.04 feet to the point of beginning, containing 4.19 acres, more or less. Subject to the use of the Northerly 33.00 feet thereof as Lovejoy Road. Also subject to all other easements and restrictions of record.

Parcel B - Part of the Northeast 1/4 of Section 4, T4N-R3E, Conway Township, Livingston County, Michigan, described as beginning at a point that is S00°34'32"E on the North and South 1/4 line of said Section 4 a distance of 547.04 feet from the North 1/4 corner of said Section 4; thence N89°54'05"E 486.80 feet; thence N00°14'45"W 47.37 feet (recorded as N00°25'17"W 47.27 feet); thence S89°42'47"E 160.00 feet (recorded as East 160.00 feet); thence S00°23'14"E 2586.55 feet (recorded as S00°25'17"E 2586.58 feet); thence N89°14'29"W 638.71 feet (recorded as N89°12'44"W 638.71 feet) to the North and South 1/4 line of said Section 4; thence N00°34'32"W (recorded as N00°34'29"W) on said North and South 1/4 line a distance of 2530.78 feet to the point of beginning, containing 37.54 acres, more or less. Subject to all easements and restrictions of record.

### SECTION CORNER WITNESSES:

#### South 1/4 corner Section 33, T5N-R3E

Standard Shiawassee Co. Monument  
S70°W 103.86' N&T SE/S 10" Box Elder  
S85°W 68.16' N&T N/S 6" Triple Box Elder  
North 35.22' N&T W/S 4" Twin Box Elder  
N80°W 50.45' Center of bolt on S/S post to mailbox #2501  
West 92.10' F-1, T4N-R3E (R=92.0', 92.10', 92.02', 91.80')

#### Northeast corner Section 4, T4N-R3E

Livingston County Monument  
S30°W 201.35' RLS tag in PP  
N75°E 106.49' Found "KEBS" nail & tag, N. side 16" Walnut  
N70°E 114.30' Found "KEBS" nail & tag, S. side 14" Walnut  
N50°E 128.46' Found "KEBS" nail & tag, NW side 8" Walnut  
East 99.01' Harrison marker at G-13, T5N-R3E

#### North 1/4 corner Section 4, T4N-R3E

Found Livingston Co. Monument  
N88°E 92.13' Nail/Livingston Co Remon disc (F-13) T5N-R3E  
S10°W 19.50' Nail/Livingston Co tag in W. face 18" Elm  
S65°W 33.36' Nail/Livingston Co tag (S. face) 10" Elm  
S80°W 55.75' Nail & Advantage witness tag in N. face 9" Elm

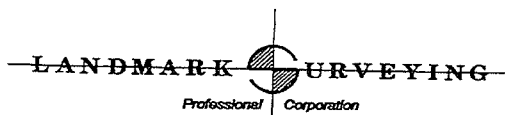
CLIENT: Lee Mascho

DATE: October 7, 2014

JOB NO: 26046

Section 4, T4N-R3E  
Conway Township  
Livingston County  
Michigan

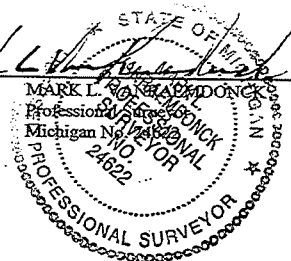
Sheet #3 of 3



204 N. Shiawassee St. (M-52)  
Owosso, Michigan 48867

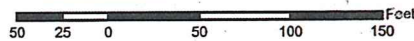
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By





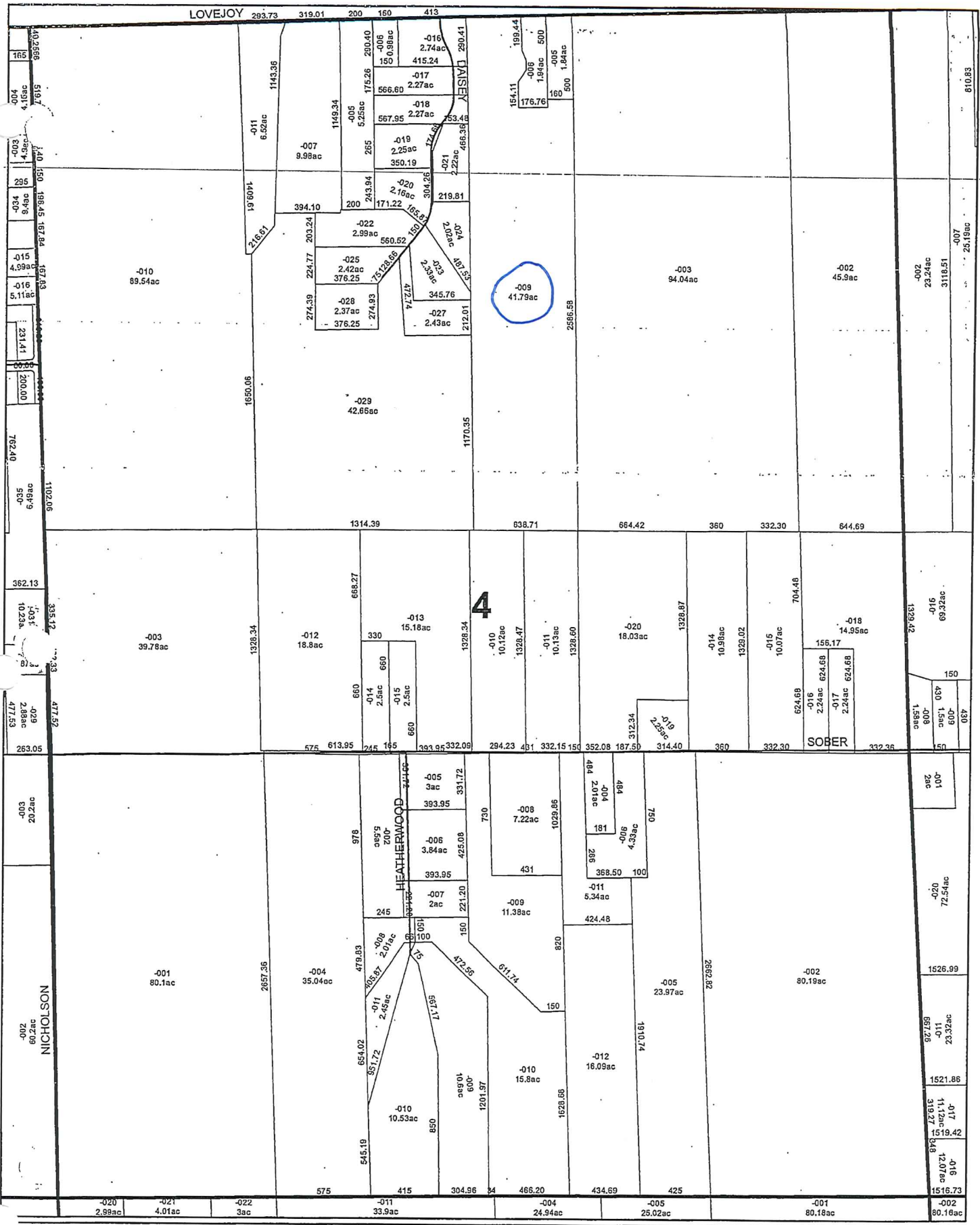
Livingston County, Michigan  
 Information Technology Department  
 G.I.S. Division 517.548.3230



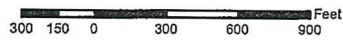
01-04-200-009



Orthophotos Flown Spring 2010  
 Printed April 20, 2011  
 Parcel lines are a representation only;  
 Not intended for survey purposes.



Livingston County, Michigan  
 Information Technology Department  
 G.I.S. Division 517.548.3230



Section 4 Conway Township



Orthophotos Flown Spring 2010  
 Printed July 10, 2013  
 Parcel lines are a representation only;  
 Not Intended for survey purposes.

# Conway Township Planning Commission Meeting Minutes

## December 8, 2014

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"> <li>• Public: Herm and Shirley Yost, Bill Call, Bob Carusi, one other resident</li> <li>• Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin.</li> </ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is January 12, 2015 at 7:00pm.</p>	
<b>Roll Call and Sign In</b>	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Scott Buell, Larry Parsons, Londa Horton and Mike Stock.	
<b>Minutes from last meeting</b>	Larry Parsons made a motion to accept the November 10 meeting minutes and the November 18 joint meeting minutes. Mike Stock second. All in favor. Motion passed.	
<b>Call to the Public</b>	Bob Carusi discussed road improvements.	
<b>Communications</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin showcased a <u>Township Focus</u> article on <i>Keeping Board Meetings Civil</i>.</li> <li>• Mike Stock commented on proposed new legislation that seeks protection for windmill farms from nuisance suits.</li> </ul>	
<b>Land Divisions</b>	-0-	

# Conway Township Planning Commission Meeting Minutes

## December 8, 2014

Agenda	Items Discussed	Actions to be Taken
<b>New Business</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin asked for recommendations on who would sit on a Land Split Committee as proposed by the Township attorney. He recommended: the Zoning Administrator, the Assessor, and one Planning Commissioner. This proposed Land Split Committee could eliminate the timeframe for land divisions and reduce it to 3-4 days potentially. It was decided to delay further discussion until next month.</li> <li>• Bill Call gave the Zoning Administrator report. AT&amp;T is not ready to meet our ordinances in terms of: size of the parcel, road did not meet the standards, screening, etc.</li> <li>• Bob Carusi gave the Emergency Planning meeting report. He will be attending the CERT training early next year. The Township generator is now working. He requested space for updates on the Township website.</li> <li>• Dennis Bowdoin discussed a recommendation by the Township attorney that the ZBA didn't have the education to make the decisions they are making. He recommended more classes for education for our Commissioners.</li> <li>• Dennis Sommer discussed the Wally project (The Washtenaw and Livingston Line), a train traversing from Howell to Ann Arbor. Railroad cars have been refurbished by the State. Commuters would purchase tickets via their Smartphones. They have a government grant to further study the idea.</li> <li>• Londa Horton made a motion to recommend to the Board the reappointment of George Pushies and Mike Stock to the Planning Commission. Dennis Sommer second. All in favor. One abstain. Motion passed.</li> <li>• Bill Call made recommended changes to the zoning ordinances with comments by the Township attorney. Planning Commissioners are to review for the next meeting. Larry Parsons made a motion to recommend to the Board that legal counsel come to the January meeting to review Bill Call's proposed changes.</li> </ul>	<p><b>Dennis B. to notify the Board that the Planning Commission needs a directive to form a land division sub-committee.</b></p> <p><b>Dennis to approach the Board regarding having a designated space on the Township website dedicated to Emergency Planning.</b></p> <p><b>Dennis to recommend the reappointment of George Pushies and Mike Stock to the Planning Commission.</b></p> <p><b>Dennis to recommend legal counsel come to next meeting.</b></p>
<b>Update from the Board</b>	<ul style="list-style-type: none"> <li>• Larry Parsons gave an update from the Township Board.</li> </ul>	
<b>Last Call to Public</b>	<ul style="list-style-type: none"> <li>• Herm Yost mentioned the small numbers, less than 10 at the Township Special Meeting.</li> </ul>	

# Conway Township Planning Commission Meeting Minutes

## December 8, 2014

<b>Agenda</b>	<b>Items Discussed</b>	<b>Actions to be Taken</b>
<b>General Discussion</b>	<ul style="list-style-type: none"> <li>• Dennis Bowdoin mentioned the highest priorities for the Board discussed at the Township Special Meeting were roads and internet service. They are looking at a twenty year plan which may include things such as a fire station, a police contract, etc. The purpose of the meeting was to discuss what to do with extra revenue.</li> </ul>	
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion Passed. Meeting adjourned at 8:08 p.m.</li> </ul>	



Conway Township joint Planning Commission & Board of Trustee's Meeting  
Nov.18,2014

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies,

Dennis Bowdoin gave the Planning Commission report to the Board

Mike Stock gave the Recreation report

Scott Buell and George Pushies terms are up.

Submitted by  
Dennis Bowdoin Planning Commission Chair  
11/18/14