



Conway Township Planning Commission

Monday, February 9, 2026 | 7:00pm

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

1. **CALL TO ORDER / PLEDGE**
2. **ROLL CALL**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF PLANNING COMMISSION MEETING February 9, 2026 AGENDA**
5. **APPROVAL OF THE January 12, 2026 MEETING MINUTES**
6. **COMMUNICATIONS**
 - a. Zoning Administrator's Report - Russ
 - b. Livingston County Planning Commission Update/Report - Dennis
 - c. Update from the last board meeting – Email Sent 1/28/26
7. **OLD BUSINESS**
 - a. Data Center and Bitcoin Mining Center Regulatory Ordinance - Review
 - b. Essential Services Ordinance – Review – Included Updated Conway Township Ordinance & version to Cohoctah from ITC (Clean)
 - c.
8. **NEW BUSINESS**
 - a. Moratorium Ordinance – Discussion/review
 - b. PC By-Law Discussion
 - c. New section – Next Month's Step List - Discuss
9. **PLANNING COMMISSION MEMBER DISCUSSION**
10. **2nd CALL TO THE PUBLIC**
11. **ADJOURNMENT**

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

Next Meeting will be Monday, March 9, 2026



Conway Township Planning Commission Meeting Minutes
 Monday, January 12th, 2026 | 7:00pm EST
 Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, MI 48836

Agenda	Items Discussed	Actions to be Taken
Attendees	PC Members Present: Lucas Curd- Chair, George Pushies, Mike Stock, Shawn Morrison, Steve Weiss- Vice Chair, Kayla Poissant- Secretary, Kelly Ralko. Zoning Administrator: Russ Cesarz (ABSENT) Livingston County Planning Commissioner: Dennis Bowdoin (ABSENT) Township Planner- Liz Hart- McKenna Township Attorney- Michael Homier, Keith Brown (BOTH ABSENT)	None
Call to Order/Pledge	Chair, L. Curd called the Conway Township Planning Commission meeting to order at 7:00pm and led the Pledge of Allegiance.	None
Approval of Agenda	Motion to accept the meeting agenda as presented for January 12th, 2026. Motion by S. Weiss. Support K. Ralko. Motion Approved.	Motion Approved
Approval of December 8th, 2025 Minutes	Motion to accept meeting minutes from December 8th, 2025. Motion by S. Morrison. Support by S. Weiss. Motion Approved.	Motion Approved
Approval of Annual PC Report 2025	Motion to approve the PC Annual Report 2025. Motion by S. Weiss. Support by K. Ralko. Motion Approved.	Motion Approved
Call to the Public	None at this time.	None
Communications	a. Zoning Administrator Report: R. Cesarz was absent. b. Board Ex-Officio Report: G. Pushies stated the minutes were sent out, that there was a Special Meeting on Jan 7 th , they approved a 50/50 agreement with Cohoctah regarding the MPSC, and approved the motion regarding the filing for the MPSC.	None None

	<p>c. Livingston County Planning Commission Report: D. Bowdoin was absent.</p>	<p>None</p>
<p>Old Business</p>	<p>a. Vote to work on Data Center and Bitcoin Mining Center Regulatory Ordinance – Send to Township Board for approval-</p> <p>L. Curd stated that he was informed that the PC was not getting their ordinances approved correctly, and that the PC needed to vote to the send ordinances that they wish to work on to the Township Board for their approval to work on them regarding funding. M. Stock stated that the ordinance/policy would have to be changed as Article 4 contradicts getting Township Board approval to work on ordinances. K. Poissant stated that the procedure has always been that the PC works on and drafts an ordinance, it is sent to the LCPC for review, then it is sent to the Township Board for the final decision. She asked about hypothetical new ordinances where there were no drafts or information, just a topic, how the Township Board would even have enough information to make a decision on whether it should be approved or not. G. Pushies replied that when the PC drafts the ordinance, and that his point was that the law firm provided the ordinance to the PC, that the PC itself didn't draft it. He stated that there were legal funds expended that the Township was liable to pay, that the PC could take on drafting the ordinance which would be fine, but that when there are payments being made to the law firm for billable hours to work on an ordinance not approved by the Township Board, it was a different issue. K. Poissant was asked then how would the Township Board get the full information for what the PC wants to work on. G. Pushies asked if K. Poissant was willing to spend money without Board approval, to which she replied yes, within reason, and that the two boards are supposed to be separate. G. Pushies stated that the boards are separate, and that there is a budget. M. Stock stated that there was a PC budget that includes legal services, and that the PC never had to do this before. He stated that the job of the PC was to recommend zoning ordinances, amendments, and Master Plan changes to the Township Board. L. Curd stated that he believes that the PC shouldn't be able to have an unlimited budget or push through a lot of ordinances spending thousands of dollars for people to review it. He stated that this would be pushing</p>	

ordinances out a month, and then once approved the PC would then work on it. M. Stock posed the question of whether the ordinances should go to the attorney or planner first for review. G. Pushies asked whether the PC should make a decision first, then send it to the Township Board. M. Stock reiterated that the ordinance/policy would then need to be rewritten. G. Pushies stated that the ordinance just showed up on the PC agenda, that there were no previous discussions in PC meetings. S. Weiss stated that the ordinance was drafted for Cohoctah Township, and that they forwarded it over to the PC. G. Pushies stated that it was ok, but that the Township was still liable to pay for it. M. Stock stated that he made a motion in a previous PC meeting to put it on the PC's to-do list for text amendment, and that he doesn't know about the actual draft. K. Poissant asked L. Hart her thoughts on the discussion, and she stated that generally PC's do not asked permission of Township Boards to work on ordinances, but that this is a budget issue. K. Poissant made a suggestion of getting the budget details, and then work within that budget. M. Stock proposed finalizing the Master Plan, have a collective meeting with the Township Board, and make an action plan for the calendar year. K. Poissant agreed, and also stated that there should be flexibility if something came up in front of the PC. M. Stock stated that the PC needs to finish the Master Plan, and sit down with L. Hart to review the action items to make a plan to work on them. L. Curd brought the discussion back to the PC recommending to the Township Board to get approval regarding funds to work on the ordinances. G. Pushies stated that he believed the intention was that the PC would recommend to the Township Board, and then the Township Board would make a decision on whether the funding was available. G. Pushies stated that the Master Plan bill was getting sizable, and that he would like to make sure there was money to work on it. K. Poissant stated that she hasn't had to do that within her time on the PC, and that there is conflicting data and information on what the process should be/is. She mentioned about scheduling a meeting with the Township Board to work out these concerns to know how to proceed through the 2026 year. M. Stock asked G. Pushies whether he knew if the Township budget zoning amendments were covered in the attorney section, line item of the budget, or where it would be located. G. Pushies stated that it would depend on who drafts the ordinance. M. Stock asked L. Hart about when

other Townships ask for a text amendment draft, if McKenna drafted the ordinances and then it would be reviewed by the attorney? L. Hart replied yes, and it was discussed that it was more cost effective. It was clarified that the Essential Services ordinance was sent to the PC for consideration, and that the Data Center/Bitcoin was sent to the PC before it was even requested. It was also stated that the PC then discussed it at a previous meeting, and then it was requested that the law firm work on it.

Motion to recommend approval to the Township Board for the PC to work on the Data Center and Bitcoin Mining Center regulatory ordinance along with the Essential Services Ordinance. Motion by L. Curd. Support by K. Poissant. Roll Call vote.

G. Pushies- No
M. Stock- No
K. Ralko- No
L. Curd- Yes
K. Poissant- Yes
S. Morrison- No
S. Weiss- No

Motion not approved.

S. Weiss stated that it is not a part of the PC's job to send it to the Township Board for approval to work on the ordinances, and that the PC can not keep kicking the ordinances down the road. Multiple PC members were concerned with the Data Centers.

Motion to have McKenna draft/review the Data Center and Bitcoin Mining Center ordinance, and the Essential Services ordinances. Motion by S. Weiss. Support by K. Ralko. Roll call vote.

S. Weiss- Yes
S. Morrison- Yes
K. Poissant- Yes
L. Curd- No
K. Ralko- Yes
M. Stock- Yes
G. Pushies- No

Motion Approved.

**Motion NOT
Approved**

Motion Approved

	<p>b. Vote to work on Essential Services Ordinance – Send to Township Board for approval.</p> <p>See above.</p> <p>c. Master Plan – Final Version-</p> <p>L. Hart stated that she researched about the open spaces, and how to work on that within future ordinances and planning, and that she recommended it be by density. She stated she would let the new planner knows this for future planning. The PC then reviewed the final draft of the Master Plan. M. Stock stated that the existing land-use map didn't show industrial, to which L. Hart stated that she would update that. G. Pushies asked why the data was broken up, and L. Hart replied that that was how SEMCOG did it. G. Pushies stated that he feels it is confusing to understand, and other PC members agreed. There was discussion on AG vs vacant land, and it was agreed to take out the vacant land data, and switch it to AG. It was discussed and agreed upon to add definitions to unique, local, statewide importance areas. The soil maps were discussed and that it came from USGS 2025, and it was agreed to add the roads onto the soil maps. It was also discussed that the mobile park at Chase Lake/Robb Road was not on the maps, and needed to be added.</p> <p>Motion to recommend approval of the Master Plan draft as amended to the Township Board for the 63-day distribution period. Motion by M. Stock. Support by K. Ralko. Motion Approved.</p> <p>It was discussed how and whom would send it to the Township Board.</p>	<p>Motion Approved</p>
<p>New Business</p>	<p>a. Lucas Curd & Kayla Poissant – reappointed to PC Board-</p> <p>L. Curd stated that he and K. Poissant were reappointed to the PC Board for another three years. It was clarified that S. Morrison would stay in the position until it was filled.</p>	

	<p>b. Election of Planning Commission Officers-</p> <p>Motion to appoint K. Poissant as PC Secretary. Motion by K. Ralko. Support by G. Pushies. Motion Approved.</p> <p>Motion to appoint L. Curd as PC Chair. Motion by G. Pushies. Support by S. Weiss. Motion Approved.</p> <p>Motion to appoint S. Weiss as PC Vice Chair. Motion by L. Curd. Support by K. Ralko. Motion Approved.</p>	<p>Motion Approved</p> <p>Motion Approved</p> <p>Motion Approved</p>
Commission Discussion	<p>K. Poissant asked whether the PC wanted to request clarification on the information presented regarding the PC getting approval from the Township Board to work on ordinances/funds as there was conflicting information discussion. She stated that she just wants to make sure things are being done correctly. M. Stock stated that he believed the PC should review the MTA website and articles to see what new things are popping up, and maybe this topic would be included on the site.</p>	None
Last Call to the Public	<p>The second call to the public resulted in no comment.</p>	None
Adjournment	<p>Motion to adjourn at 7:53pm. Motion by G. Pushies. Support by S. Morrison. Motion Approved.</p>	Motion Approved

Respectfully Submitted:

Kayla Poissant,
PC Secretary

Approved:

Lucas Curd,
PC Chair

CONWAY TOWNSHIP

ORDINANCE NO. _____

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

The Township of Conway ordains:

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

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

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

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

Section 2. New Section 6.28 of the Zoning Ordinance.

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

Section 6.28 Cryptocurrency Data Mining Facilities and Data Centers

A. General Provisions.

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

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

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

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

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

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

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

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

9. Fire Protection.

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

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

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

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

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

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

Section 3. Amendment to Article [REDACTED].

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

[REDACTED] Cryptocurrency Data Mining Facilities and Data Centers.

Section 4. Validity and Severability.

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

Section 5. Repealer.

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

Section 6. Effective Date.

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

CONWAY TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE TO REGULATE ESSENTIAL SERVICES

THE TOWNSHIP OF CONWAY ORDAINS:

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

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

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

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

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

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

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

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

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

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

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

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

B. *Site Plan Application Requirements.*

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

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

- h. Anticipated construction schedule, including timeline to completion and scope of work.
- i. Sound modeling study including sound isolines extending from the sound sources to the property lines.
- j. Any additional studies requested by the Planning Commission, including but not limited to the following:
 - i. Visual Impact Assessment: A technical analysis by a third-party qualified professional acceptable to the Township of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - ii. Environmental Analysis.
 - (a) The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.
 - (b) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
 - (c) Wildlife Impact: A wildlife impact study, including an analysis of the impact on the properties within one mile of the project.

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

C. *System and Location Requirements.*

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

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

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

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

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

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

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

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

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

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

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

Section 3. Severability.

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

Section 6. Repealer.

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

Section 7. Effective Date.

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

COHOCTAH TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING
ORDINANCE TO REGULATE ESSENTIAL SERVICES**

THE TOWNSHIP OF COHOCTAH ORDAINS:

Section 1. Amendment of Section 16.19 of the Zoning Ordinance: Essential Services.

Section 16.19 of the Zoning Ordinance, entitled “Essential Services,” is amended in its entirety to read as follows:

A. General Regulations.

1. Essential services shall include the erection, construction, alteration or maintenance by public utilities, independent electric transmission companies, municipal departments, or other governmental agencies of underground or overhead gas, electrical, communication, steam, or water transmission or distribution systems or collection, supply or disposal systems, including electric power stations, relay stations, switching stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings (other than control buildings as part of an electrical substation) or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies.
2. All essential services must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements.
3. If an applicant, owner, or operator of an essential service fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township’s actual attorney fees and costs.
4. The surface of land used for pipeline rights-of-way and underground equipment or structures shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
5. Electrical Substations and Electrical Switching Stations must also comply with the requirements of Section 13.28.

Section 2. Addition of New Section 13.28 to the Zoning Ordinance.

New Section 13.28 is added to the Zoning Ordinance, and reads in its entirety as follows:

Sec. 13.28. Electrical Substations and Electrical Switching Stations.

Electrical substations and electrical switching stations require Site Plan approval in accordance with Article 20. Electrical substations and electrical switching stations are also subject to the following requirements.

- A. *Application Requirements.* In addition to the requirements of Article 20, the applicant for an electrical substation or electrical switching station must provide the Township with all of the following:
1. The name of the applicant, any parent company, subsidiary of the parent company, or any entity “doing business as” of the parent company.
 2. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
 3. A list of all parcel numbers that will be used by the electrical substation or electrical switching station including applicable attachments, establishing ownership of each parcel, with memoranda of all lease agreements, easements, or purchase agreements for the subject parcels.
 4. Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan may be reviewed by the Planning Commission to allow for discussion and feedback.
 5. Any additional information or documentation reasonably requested by the Planning Commission.
- B. Electrical substations or electrical switching stations are not permitted on property enrolled in the Farmland and Open Space Preservation Act, being in PA 116, of 1974, now codified in Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1974, as amended. However, a Site Plan may be approved for such property, conditioned upon relinquishment of the PA116 agreement by the Michigan Department of Agriculture and Rural Development.
1. *Approvals from Other Agencies.* Building permits may only be issued after the applicant receives (1) all required federal and state approvals, and (2) approval by the local fire chief, county drain commissioner, county road commission, local airport zoning authority (if applicable), county building department, and any other federal, state or local agency having jurisdiction or authority to grant permits related to the electrical substation or electrical switching station.

C. *System and Location Requirements.*

1. Electrical substations or electrical switching stations are permitted in any district.
2. Electrical substations and electrical switching stations must be set back at least 50 feet from the property line.
3. Electrical substations and electrical switching stations must be set back at least 100 feet from the edge of any wetland, shoreline, or drain easement.
4. Height requirements of the district shall not be applicable to electrical substations or electrical switching stations.
5. *Screening.* Greenbelt screening, compatible with electric substation facilities, is required around any electrical substation or electrical switching station to the extent possible. The Township may consider a waiver of this requirement or an alternative buffer.
6. *Agricultural Preservation and Habitat Impact.* Land clearing and clear cutting trees and other vegetation shall be limited to what is minimally necessary for installation and operation of the electrical substation or electrical switching station given the topography of the land. Topsoil distributed during preparation shall be retained on site. In addition, access drives shall be designed to minimize extent of soil disturbance, water run-off, and soil compaction.
7. *Lighting.* Lighting of the electrical substation or electrical switching station must be down facing and is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the electrical substation or electrical switching station, except as otherwise mandated by law.
8. *Signage.* Signage is not permitted except as required in this subsection and for purposes of posting information that may be necessary for electrical operations and the safety and welfare of the public. An information sign shall be posted and maintained at the entrance(s) listing the name, address, and phone number of the operator.
9. *Security Fencing.* Security fencing is required around all electrical equipment related to the electrical substation or electrical switching station. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the electrical substation or electrical switching station. Required fencing must be at least seven feet tall and compliant with NERC and FERC regulations.
10. *Access Routes.* Access drives are subject to the approval of the Livingston County Road Commission and the Township Planning Commission. Access drives must be adequately maintained for emergency vehicle use, even in winter.

11. *Construction.* Construction or maintenance of the electrical substation or electrical switching station may only occur between 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding federal holidays. In the event of an emergency, the foregoing day and time limitations shall not apply. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a electrical substation or electrical switching station shall be repaired at the applicant's expense.

D. Transferability. A site plan approval for an electrical substation or electrical switching station is transferable to a new owner or operator. The new owner or operator must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

E. Site Plan Amendments. Site plan amendments may be permitted pursuant to Article 20 of the zoning ordinance.

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

Section 3. Severability.

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

Section 6. Repealer.

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

Section 7. Effective Date.

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

88436:00001:201774452-3

COHOCTAH TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING SPECIAL
LAND USES**

The Township of Cohoctah ordains:

Section 1. Addition of New Section 13.29 to the Zoning Ordinance.

A new Section 13.29 is added to Article 13 of the Zoning Ordinance and reads in its entirety as follows:

Sec. 13.29. - Moratoriums

- A. **Moratorium by Resolution.** The Township Board, by resolution, may impose a temporary moratorium upon the review or issuance of any and all applications, permits, rezonings, licenses, or approvals for special or other land uses in the Township if the Township Board desires to review, enact, or amend provisions of the master plan or zoning ordinance to regulate existing or emerging land uses that may impact the health, safety or welfare of township residents or property.
- B. **Purpose and Findings.** The resolution must state the purpose of the moratorium and include findings of the Township Board in support of the moratorium.
- C. **Length of Moratorium.** Any resolution adopted pursuant to this Section must specify the length of the moratorium which may not exceed twelve (12) months. The resolution may provide for one (1) extension of the moratorium, by resolution, for up to six (6) months.
- D. **Notice.** Notice of the resolution must be published within seven (7) days of its adoption. The notice must include the following:
 - 1. A summary of the resolution's effect.
 - 2. The length of the moratorium and whether an extension is possible.
 - 3. Where the public may inspect the resolution enacting the moratorium.

Section 2. Validity and Severability.

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

Section 3. Repealer.

Any ordinances or parts of ordinances that conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date.

This Ordinance takes effect upon the expiration of seven (7) days after its publication pursuant to MCL 125.3401.

88436:00001:201977649-1

CONWAY TOWNSHIP PLANNING COMMISSION BYLAWS OF

Adopted, effective immediately, September 8, 2008

(Revised August 8, 2014)

(Revised October 8, 2018)

(Revised February 14, 2022)

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, who serves on the planning commission by virtue of holding another office, for the term of that other office.
- C. Omitted.
- 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. Conflict of Interest and Incompatibility of Office.
 - 1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. Each member shall disclose to the Planning Commission any matter in which the member may reasonably be considered to have a conflict of interest or an appointment which creates an incompatibility of office.

2. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Deliberating on, voting on, or reviewing a case concerning land owned by him or her.
 - c. Deliberating on, voting on, or reviewing a case concerning a neighboring property to property owned by a member or to property a member has a financial interest in. For purposes of this subsection, a neighboring property shall include any property falling within the notification radius for the particular application or request, as required by the Zoning Ordinance or other applicable statute; or, in the event no notification provision applies, 300 feet.
 - d. 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.
 - e. Deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - f. 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.
 - g. 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.
 - h. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Commission.
 3. When a conflict of interest exists, the member of the Commission, 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:
 - b. cease to participate at the Commission, 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, 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. An oral report of the site inspection shall be presented to the Commission at a public meeting. Written presentation may be requested by the Commission.
 - b. If desired, no more than one member of the Commission may accompany the Zoning Administrator on a site inspection.
3. Omitted.
4. Accepting gifts.
 - a. Gifts shall not be accepted by a member of the Commission 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), Section 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. Each member, upon appointment, shall sign a code of conduct. The current Code of Conduct for the Planning Commission is attached to these Bylaws.
7. Officers
 - a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, and 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 Commission shall select a successor to the office of 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. All officers 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 an Ex-Officio member of all committees of the Commission.
 - (8) Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 - (9) Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
 - (10) 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.
 - (11) Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 - (12) Represent the Commission before the Conway Township Board of Trustees.
 - (13) 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.
 - (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.
 - (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) Perform such other duties as may be ordered by the Commission.

G. Meetings

1. Regular meetings. Meetings of the Commission will be held the 2nd Monday of every month at 7:00 p.m. at the Conway Township Hall. 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), may suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meeting's 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 than 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.
 - (1) 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;
 - (2) 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 standard;
 - (3) The Commission's action; and
 - (4) As applicable, recommendation or decision on 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, as amended and revised, 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).
 - a. Any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation.
 - b. 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 could be proposed on the agenda as a Consent Item.
 - c. Consensus business can be proposed for any item on the agenda, but shall never include any of the following.
 - (1) Review of plans and zoning ordinances, or any part or amendment thereto.
 - (2) Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers.
 - (3) Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
 - d. 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. Housekeeping 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 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.
 - a. A digital copy of the agenda and accompanying materials shall be emailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date. A hard copy may be available for pick up upon request.
 - b. Any agenda materials must be submitted to the Chair and Secretary no later than noon the Tuesday before the meeting.
13. Placement of Items on the Agenda.
 - a. The Conway Township Clerk shall be the office of record for the Commission.
 - b. The Zoning Administrator 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 Zoning Administrator 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 eh 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 Township's record retention schedule.
15. Mileage and Per Diem. 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.
16. 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.

17. 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 Trustees. 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 Trustees. 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, or variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.
18. 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 Trustees for same.
19. 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 meeting by a two-third (2/3) vote of the members present.

Amended by the Conway Township Planning Commission at a regular meeting held on February 14, 2022.

/s/ _____
Londa Horton, Secretary

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 Master 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 Trustees.
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, ex parte contact, 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, _____ 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: _____ Date _____