



**COHOCTAH PLANNING COMMISSION  
MEETING  
August 07, 2025 at 7:00 PM  
Township Hall | Fowlerville, Michigan**

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*The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72 hour advance notice by contacting Barb Fear, Township Clerk, by email: [bfearclerk@gmail.com](mailto:bfearclerk@gmail.com), phone: (517) 546-0655, or mail: 10518 N Antcliff Rd Fowlerville MI 48836.*

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**AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** – *Moment of Silence*

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) 07/16/2025 Public Hearing Minutes Headland Solar LLC Special Use Permit

**CALL TO THE PUBLIC**

**MATTERS PERTAINING TO THE GENERAL PUBLIC**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- [2.](#) Essential Services Ordinance

**CALL TO THE PUBLIC**

**ADJOURNMENT**



**COHOCTAH PLANNING COMMISSION  
PUBLIC HEARING HEADLAND SOLAR LLC  
SPECIAL USE PERMIT  
July 16, 2025 at 6:00 PM  
Livingston County EMS Building, 1911 Tooley  
Rd., Howell, MI 48855**

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## **MINUTES**

### **CALL TO ORDER**

Order was called at 6:08pm

**PLEDGE OF ALLEGIANCE** – *Moment of Silence*

### **ROLL CALL**

All Planning Commission members were in attendance

Present: Mark Cican, Ken Carmack, Phil Charette, Jessica Buttermore, Clint Beach, Sarah Newton, and Kyle Engel.  
Township attorney Michael Homier was also present

Absent: None

a full quorum was met.

### **APPROVAL OF AGENDA**

Motion to approve agenda as presented made by Charette, supported by Newton. Motion carried.

### **MATTERS PERTAINING TO THE GENERAL PUBLIC**

Planning Commission Chair Buttermore stated the Public Hearing Ground Rules. She then read a statement:

“Welcome

We are here this evening to listen to your comments, opinions, and views in regard to the Ranger Power industrial solar complex in Cohoctah Township. A similar application was also filed in Conway Township. I ask that you be courteous to all speakers and let them speak without interruption. Everyone who wants to speak will be given 3 minutes. Address the Planning Commission and not the audience. Any questions you have, we will endeavor to seek answers.

“Public Act 233 of 2023 controls what a township planning commission can and cannot do when an application is filed for 50 megawatt or more industrial solar facility. PA 233 preempts the township’s authority to regulate these industrial facilities and requires 120 days for the planning commission to make a decision on the application. The 120 days expires on August 28. The State of Michigan, in its infinite wisdom legislated the 120 days to review an over 2,000-page document that was not fully submitted when the application was filed on April 30. We intend to comply with the provisions of PA 233. “

1. Public Hearing- Headland Solar LLC Special Use Permit

## Public Hearing- Headland Solar LLC application and Special Use Permit

Motion to open public hearing regarding the Headland Solar LLC Special Use Permit was made by Charette, supported by Newton. Motion carried. The hearing was opened at 6:12 p.m.

The Public Hearing was started with a Slide Presentation by Ranger Power representing the Headland Solar Project LLC with a brief explanation of the proposed Headland Solar LLC project. Their attorney demanded that because the proposed Ranger Power/Headland Solar LLC project was not within Cohoctah Townships Renewable Energy Overlay Districts, that the township Planning Commission vote to deny the Special Use Permit today.

Five letters were received, and 22 members of the public spoke out against the proposed Headland Solar LLC project

0 members of the public spoke in favor of the project

Public Comments were as follows:

**Steve Smith:** Spoke against the project. He stated that it came out at the Conway Township hearing that Ranger Power sells project when its ready for construction and that D.E. Shaw, a multi-billionaire hedge fund in New York. He states that Ranger Power has not been transparent or forth rights through this whole process. If they would have acknowledged the harmful aspects of the project and worked with us on how to minimize them instead of denying or ignoring, this would have all been done a long time ago. He encouraged the omission to follow Mr. Homier's advice. There is some risk in whatever we do, but don't be intimidated.

He does not believe that a hedge fund from New York has our rural community best interest at heart, who commented on his appreciation to Conway Public Hearing and Cohoctah Twp for their due diligence of reviewing the application, he believes that this is another Gov't & "Boondoggle" and does not believe that Ranger Power has been forthright nor transparent in dealing with the Townships.

**Joseph James Offerman:** A Cohoctah born resident and lived here all his life. This is a country of the people, for the people, and by the people. The government has no right to take over our land and tell us what we can and cannot do with it.

**Connie Johnson:** A Cohoctah resident and was speaking for her five neighbors. She moved back here, after growing up here, last fall. She purposely did not buy a parcel because it was too close to an overlay. We don't want the blight of these solar installations. You say the first year may generate \$3.5 million and \$26 million over the course of 25 years. This is not enough to destroy thousands of acres of farmland. Decommissioning, how much is a bond with the company goes bankrupt. What's going to happen when the wildlife is destroyed, the natural resources is destroyed because of the leaching when a tornado hits, or a hail storm. You gave a 2,000-page application with 120 days, knowing it will take a team of attorneys to take hours and hours to go through that at taxpayer's expense to go through that. This is an abomination, this is a waste of the taxpayer money, and is not what the people in Cohoctah Township want. She contacted a state representative in Canton who indicated to her that he would not want to live next to it, but everyone should take one for team. She also mentioned the St. Clair County Health Regulation they passed. The farmer's legacy will be the ruin of the land.

At this point someone (unknown) spoke up stating the map submitted to the township is not the map shown on the screen by the Ranger Power representative. Chair Buttermore gave him a map on the screen.

**Joann Haas:** Thanked the Planning Commission and Board for fighting for us and not against us. She also thanked Mr. Homier for being a good counsel to our members. She stated that solar panel have lead and cadmium and when damaged can leach into the ground and contaminate our drinking water.

Solar panels have rain runoff that cause channeling of water and will cause floods. Our drains cannot handle this. We already have an issue with Sprague Creek. I cannot imagine what will happen in that area. Our wildlife will be greatly affected. The land Ranger Power wants is a deer and turkey crossing. Where are they going to go, where are they going to feed? Our bald Eagle family feeds in that exact field. The heavy panels and construction material will affect our property values. Nobody wants a house in the country if it's next to an industrial site. With construction from sun up to sundown it will have devastating health effect on people. After this we will have noise from the inverters for the next 40 years. What is their emergency response? Once the shovel hits the ground, they are selling it and we are dealing with a whole different company. DESRI. Bring DESRI in, they are going to construct and own it. They need to stand here and answer our questions. Send us people who are really going to be in charge. We want answers and we deserve answers.

**Roman Yaremych:** Spoke against the project, commenting he has been here for 30 years for the rural atmosphere. The township has prime agricultural land that should be kept in agriculture and not a solar farm. He would hope every delay, every thorn in their side, everything within your power to make it more difficult for them to move forward and would encourage you to do that and believes most of the township residents agree.

Mary Ratelle: Spoke against the project, commenting on past experience with EMS and FIRE departments with safety issues regarding solar installations. Concerned about migratory birds because solar panels look like water from above and can injure or kill the birds, also concerned about 300 proposed workers on the local roads for construction. She stated that we don't want this on dirt roads. Also stating that many medical night workers sleep during the day with the noise created from the invertors, how will they sleep? We don't want outsiders telling us what to do.

**Kurt Sacker:** Spoke against the project, commenting that how efficient is solar in Mid-Michigan? He states he is an engineer by background and Mid-Michigan only gets 18 to 20 percent efficient use of solar. Also states that heat reflection from the solar panels cause an increase in thunderstorms and is concerned with migratory birds and deer population being pushed out.

**Frank Kersanti:** Lives on Hayner Road and spoke against the project, commenting that he moved here, raised his kids and horses, then moved away, hated it, then moved back again. He states he is impressed with the townspeople here. Was approached by DTE to lease his land to solar and said "No" to DTE. He states that he values the rhythm of life out here and that he doesn't want to have to move away again.

**Tom Emery:** an attorney in Perry, Michigan, and a former Shiawassee County Commissioner, spoke against the project. He indicated that the Michigan Constitution, Article 4, section 52, provides protection and that it prohibits pollution of farmland and natural resources in the State. This is a provision in our State Constitution that's not in other state constitutions.

**Megan Beach:** Lives in Conway but was born in Cohoctah. She spoke against the project. She thanked the planning commission for the work involved and that the Ranger Power lawyer was belligerent and bullying at Conway Township Public Hearing. She suggested that the planning commission take the full 120 days to protect the health and environment of the community. Has many concerns including the wildlife, environment, roads and our future children.

**Sarah Porter:** Spoke against the project. Conway Township us the only Livingston County township to drain water to adjacent townships. Cohoctah Township residents should be concerned for any additional water runoff created by the project. She has compared the Ingham County project, which is a Ranger project. The Ingham County project has two drains. There are 10 drains in this project. The developers will only do what the Livingston County Drain Commissioner says. The minimize, mitigate, and repair approach to issues seems more reactionary than advanced planning and implementation of

procedures. The Application is riddled with boiler plate terms like “industry best practices.” The application shows \$42 million for life of the project. However, in a different section of the application she found same report dated 8-15-2022 with same benchmarks showing a lifetime benefit of only \$18 million. She compared participating and nonparticipating parcels in the application. There are 192 parcels that are participating and nonparticipating directly adjacent to the project. The directly non-adjacent nonparticipating parcels make up 71 percent of the project. There are 47 participating parcels and of those 60 percent of the acreage is owned by taxpayer who do not reside in Conway or Cohoctah. They do not live here. They do not vote here. They will not see it. Of the 60 percent of the acreage, 44 percent is owned by relatives of the developer. Ranger Power will sell this development to a construction company at pre-construction base. Listen to how they respond and answer, “we,” “we this,” “we that.” The “we” they refer to will not be here. They will be long gone. When it comes to drainage, they will be gone. When it comes to complaints, they will be gone. When it comes to decommissioning, they will be gone! The community does not want this project.

**Stephen Barron:** Spoke against the project, commenting that was new to area, only been here 10 years. He moved here because of the property, and the people. My wife is from here. The nature is overwhelming. That’s why I moved here. After seeing this, I don’t know if I want to stay here. I fought for the Constitution.

**Linda Brown:** Lives in Conway and spoke against the project, commenting that she will probably have to move. Already cannot sell in Conway because of the proposed Headland Solar LLC project. She states that people are already turning around instead of buying in the area and it is already affecting the property values.

**Deanna Torigian:** Spoke against the project, commenting that she was a GI brat and moved all over the country. She graduated in Howell. There are better places for solar projects than here. She states that she moved back here for the solitude, beauty, animals, country atmosphere, for the agriculture. These panels will be next to my house and across the street and will be the only thing I see. It is not what we want.

**Jim Dannemiller:** Lives in Conway and spoke against the project, commenting that solar doesn't work in Michigan, it is not reliable, most expensive source of power, points to issues in Europe with renewable energy failing and outages, California rates high due to the solar push, states that Peter Sinclair came and said that the solar panels were safe and you could crush them and eat them on your cereal, hopes for a special meeting to see that they eat solar panels on their cereal.

**Steve Weiss:** Lives in Conway and spoke against the project, commenting that Ranger Power Headland Solar LLC said at the Conway Township Public Hearing that they will decommission only to a depth of about 3 feet, which contradicts what is stated in the application that all underground cables will be removed. He also raised concern over the application’s conflict resolutions, claim proactive but see no plan. He cited the Assembly Solar Project by Ranger Power that took over a year to fix flooding issues. Concerns over deep rooted plants will need to be removed in order to cultivate later. States issues in Europe where they have now restricted solar projects on farmland because the farmland is finite and precious. He states that Ranger Power uses tactics of bullying townships and farmers to sign leases and throwing money around. Urges the planning commission to ask for an extension to review application.

**William Klender:** Spoke against project, commenting Why solar projects were not built between roadways? Leave farmland, farmland.

**Gordon Maleitzke:** He spoke against project, commenting there are 2,000 panels per 10 acres, 220 megawatts, 200 million per range is \$278,000 per acre plus, to reclaim farmland. Said it is cheap to maintain, unless a catastrophe, then expensive. Ranger Power won't be here. Michigan is 7th shady/cloudiest state in U.S.. 75 days of sun, 150 only partial sunny, with no battery banks. Robert Frost: Cohoctah Township, spoke against project commenting on the bully tactics of Ranger Power's Attorney, telling the Planning Commission "don't be bullied" they are just people too. States that he found the perfect land in township, a dream come true, then this. He states that Ranger Power doesn't need to be here, they had a board room laugh how easy to roll over us hicks. He further states that he is concerned about fencing to keep animals out and the state and federal tax subsidies when they're gone, again states don't be bullied.

**Gordon Maleitzke Uncle:** who lives in Oregon spoke against the project, commenting that he was 92 years of age born on Owosso Road. Solar power is the most expensive power source. Doesn't last, don't last at night. The west has lots of land, not here. He states that he has come back to the family farm and wants to live without being surrounded by solar. He also states that we will never get prime farmland back.

**Maryanne Barger:** Spoke against project, commenting that we have to repeat ourselves. We have Eagles in our area, why is it okay to kill three Eagles a year? She also states that if the infrastructure goes down, then we get no power. It's not right.

**Ken Recker** (from Livingston County Drain Commissioner's Office): commenting that Ranger Power has had preliminary meetings with the Livingston County Drains office, but has not given the office enough information to make any determinations regarding the Headland Solar LLC Project. He also states that the Livingston County Drain Commission has been in contact with surrounding counties regarding this project. They intend to hold developer accountable and will have to minimize, mitigate and repair any and all drains damaged.

**Wes Nakagiri** (Livingston County Commissioner District 4): spoke against the project, commenting that he just returned from the Livingston County Health Advisory Committee meeting, and are actively looking into noise pollution from solar project invertors. He stated that California has a lower dB threshold of 45 dB versus Michigan's 55 dB. He states that 55 dB is too high, and states that many other States are moving their limit to 40 - 45 db. When we put this in, we want to be erroring on the side of health and safety of the community. He states that he is also concerned with the costs of decommissioning, and that St. Clair County reported Federal versus State costs are 10x higher. He also stated that we don't want a mini-super fund to saddle future generations with the cost of decommissioning.

**Kelly Ralko:** Former Planning Commission member of Conway Township spoke against the project, commenting that they have experienced flooding in their home. Conway puts a lot of water out of township through drains; Developers need to mitigate flooding potential from project to non-participating neighboring properties. She visited Assembly Solar by Ranger Power in Shiawassee County, and it was flooded. The neighboring properties were flooded and homes were flooded. There is a real danger of the same flooding happening here due to this project. She states that there is a reason many developers don't build out here, flooding issues. Ranger Power doesn't listen. They should find a more suitable place. She states that Ranger Power has no ethics, they don't listen to people.

**Mary Ratelle:** Spoke against the project again as time allowed, commenting that the Sprague Creek in Cohoctah township floods, and it's a mess with trees down, bridges flooding, there is no more room for water to flow. The area's drainage issues are very real.

**Steve Smith:** Spoke against the project again as time allowed, commenting that Headland Solar LLC project maps show prime farmland, that Ranger Power has all the data, and is still siting the project on prime farmland. He states that neighboring properties are still not being able to sell. He also states that this solar project will be considered; and Michigan state law states that you may not discharge a firearm while hunting within 400 feet of structures and many residents will not be able to hunt their own land.

**Connie Johnson:** Spoke against project again as time allowed, commenting that she spoke to a state legislator and states that they are targeting conservative communities.

**Tom Emery:** Spoke against project again as time allowed, commenting that the township and the residents should look at the Michigan State Constitution, the Environmental department protects against destruction of farmland and resources, real or likely.

**William Klender:** Spoke against project as time allowed, commenting that DTE has also leased another 1,600 acres in the township.

**Steve Weiss:** Spoke against project again as time allowed, commenting that Ranger Power Headland Solar LLC has done very little in terms of community outreach, "How many are for solar in our community?"

**Kelly Ralko:** Spoke against project again as time allowed, commenting PC should look at St Clair County Health Dept as they are regulating solar projects. Also states the numerous issues in Shiawassee County Assembly Solar project and the septic flooding.

Planning Commission member **Phil Charette** stated that to be fair, any participating landowners who want to testify for the project?

No one came forward.

There were no comments in favor of the Headland Solar LLC Project.

Planning Commission Chair Buttermore stated that five letters were received, all in opposition, and would be added to the minutes.

See the attached letters.

The Public Hearing was closed at 8:00 p.m.

## 2. Schedule Additional Meetings for Application Review

Schedule Additional Meetings for Application Review

It was discussed that extra meetings will be required to discuss the Special Land Use Application.

Tentative dates discussed were:

July 29, August 7, August 19, and August 26.

Planning Commission Chair Buttermore stated she knew Ranger Power wants us to make a decision tonight. That is not going to happen. We want to take the 120 days. We just heard all the public comments and need to go over it. The only question was there was a lag in receiving the escrow fee. Will you give us an extension of at least three weeks due to the escrow fee not being paid.

Ranger Power indicated that they would take it under consideration and advise the township within three days.

**CALL TO THE PUBLIC**

There were no public comments not pertaining to the Public Hearing

**ADJOURNMENT**

Motion was made to adjourn the meeting by Newton, supported by Engel.

Motion carried.

Meeting was adjourned at 8:13pm

**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, 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 or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies.
2. No such building constructed as a part of an essential service shall be used for human occupancy.
3. All essential services must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes.
4. 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.
5. 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.

6. Essential services in all districts shall meet the requirements of the SR Residential District for all buildings, structures, and areas used for offices, power generators, power transformers, electric substations and electric switching stations, storage, fabrication or manufacture of materials necessary to the provision of essential services.
7. Electrical Substations and Electrical Switching Stations must also comply with the requirements of Section 13.28. If a conflict exists between the requirements of the SR Residential District and Section 13.28, the more restrictive regulation controls.

**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 Special Land Use approval in accordance with Article 13 and Site Plan Review in accordance with Article 20. 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. 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 all lease agreements, easements, or purchase agreements for the subject parcels. All agreements related to the use of the subject parcels must be recorded with the Livingston County Register of Deeds.
  4. 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.
  5. 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.
  6. 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.

7. Current ground and aerial photographs of the property, including both a physical and electronic copy of the photographs.
  8. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
  9. A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation.
  10. 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.
  11. A ground cover vegetation establishment and management plan that complies with this ordinance.
  12. 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.
  13. A groundwater analysis of all parcels in the participating property.
  14. 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.

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 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:
  - 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        feet taller than the maximum height of any component of the structure(s) and in no case shall lighting be taller than        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 be composed of wood post and woven farm wire fencing. The Township may allow or require a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

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.

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