

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – May 26, 2026
7:30 pm**

*Virtual access instructions for participating in the meeting are posted on www.mariontownship.com
MEETING WILL BE HELD IN MAIN HALL*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MEMBERS' PRESENT

PUBLIC COMMENT

APPROVAL OF AGENDA *May 26, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR *April 28, 2026, Regular Meeting*

PUBLIC HEARING

1. TXT#01-26 Storage Containers

OLD BUSINESS

1. Discussion of Hyper Scale Data Center Ordinance Updates
2. Discussion on Chicken Ordinance

NEW BUSINESS

CORRESPONDENCE AND UPDATES

1. Letter from Sean Webber

PUBLIC COMMENT

ADJOURNMENT

Next Meeting is scheduled for June 23, 2026, at 7:30 PM

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the “Public Comment” part of the meeting agenda. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The “Public Comment” is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak about the NEW or UNFINISHED agenda item. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

Next Meeting is scheduled for June 23, 2026, at 7:30 PM

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 28, 2026 / 7:30PM**

PC MEMBERS PRESENT: JIM ANDERSON – *CHAIRPERSON*
LARRY FILLINGER – *VICE CHAIRPERSON*
CHERYL RANGE – *SECRETARY*
SCOTT LLOYD
BRUCE POWELSON

PC MEMBERS ABSENT: NONE

OTHERS PRESENT: SCOTT RICHARDSON – *ZONING ADMINISTRATOR*
ZACH MICHELS – *TOWNSHIP PLANNER*

CALL TO ORDER:

Jim Anderson called the meeting to order at 7:30 pm.

MEMBERS PRESENT:

All Planning Commissioners are present.

PUBLIC COMMENT:

Joe Mazur, a township resident, gave compliments to the Planning Commission for their work on the proposed Data Center language. Mr. Mazur expressed a concern about allowing Data Centers in rural residential districts and questioned whether that would be beneficial to Marion Township residents.

Catherin Dyer, a township resident, said she was disappointed in the Township’s proposed chicken ordinance. She thought it was too restrictive and asked for that to be reviewed.

APPROVAL OF APRIL 28, 2026 AGENDA:

Larry Fillinger made a motion to approve the April 28, 2026 agenda as presented. Cheryl Range seconded. **5-0 MOTION CARRIED**

APPROVAL OF MARCH 24, 2026 MINUTES:

Bruce Powelson made a motion to approve the March 24, 2026 Planning Commission minutes as presented. Larry Fillinger seconded. **5-0 MOTION CARRIED**

OLD BUSINESS:

1) DISCUSSION OF HYPER SCALE DATA CENTER ORDINANCE UPDATES

Zach Michels explained that the reason we had to allow Hyper Scale Data Centers in rural residential and industrial is because Marion does not have a lot of industrial zoned areas that could be used for Data Centers. If we excluded rural residential, the State could potentially accuse the Township of being exclusionary.

Zach Michels created language for the Hyper Scale Data Center ordinance, which includes some of the recommendations from the State. The Planning Commissioners and Zach Michels reviewed and made changes to parts of the language from Zach:

DRAFT

OLD BUSINESS: 1) DISCUSSION OF HYPER SCALE DATA CENTER ORDINANCE UPDATES continued:

PAGE 3 / PARAGRAPH 35 / #2

The Planning Commissioners discussed minimum and maximum *total net lot area* sizes and agreed to discuss further after the public hearing concludes.

PAGE 4 / PARAGRAPH 5 / #3

Require landscape screening around the building versus the entire parcel.

PAGE 5 / PARAGRAPH 10 / #6

Update the power generation timeframe to 9am-5pm all year round.

PAGE 5 / PARAGRAPH 30 / #8

Zach Michels is going to create more language on parking lot lighting.

PAGE 5 / PARAGRAPH 5 / #1

Changed the setback distance to 500 feet instead of 250 feet.

PAGE 5 / PARAGRAPH 4

Allow a constructed wall around the parcel instead of landscape screening, in light industrial districts.

PAGE 6 / PARAGRAPH 30 / #10

Require a sound check every single year.

Zach Michels suggested keeping language on wildlife in the general ordinance and just reference it in the Data Center ordinance.

PAGE 7 / PARAGRAPH 35 / #13

Require applicant to replace any trees that are removed during the construction process.

PAGE 8 / PARAGRAPH 25 / #14

Require applicant to provide funding for Fire Department training and equipment.

PAGE 9 / PARAGRAPH 5 / #2

Reference Marion Township's Renewable Energy Ordinance.

PAGE 9 / PARAGRAPH 35 / #1

Replace the word "Township" with "Township Engineer, Township Planner and Township Zoning Administrator".

PAGE 12 / PARAGRAPH 30 / #14

Replace "Utility-Scale Solar Energy Facility" with "Data Center".

Jim Anderson asked Zach Michels to have a revised copy of the Hyper Scale Data Center language ready for review at the next Planning Commission meeting. If everything looks good at the May meeting, then Commissioners can schedule a public hearing, make any necessary changes, and submit language to the Livingston County Planning Department for review and comment. Once the LCPD provides feedback, Commissioners can make more changes if needed and recommend approval to the Board of Trustees.

DRAFT

2) DISCUSSION ON CHICKEN ORDINANCE

Zach Michels explained that technically this ordinance would not require the Planning Commission to have a Public Hearing, however the Commissioners would still like to get some feedback from the residents before recommending approval of a chicken ordinance. Therefore, the Commissioners have decided to have a Public Hearing for the chicken ordinance, even though they are not required to have one.

Larry Fillinger made a motion to extend the Planning Commission meeting past 9:30pm. Cheryl Range seconded. **5-0 MOTION CARRIED**

Commissioners discussed various regulations they would like to see in the ordinance. Commissioners decided to continue discussion next month and reschedule the public hearing that was originally scheduled for May 26, 2026 during the last Planning Commission meeting.

Larry Fillinger made a motion to reschedule the May 26, 2026 Public Hearing for Marion Township's Chicken ordinance, to June 23, 2026 at 7:30pm. Bruce Powelson seconded.

Roll Call: Powelson: YES; Range: YES; Fillinger: YES; Anderson: NO; Lloyd: YES **4-1 MOTION CARRIED**

Zach Mickels will prepare two versions of language for the May 26th Planning Commission meeting. In the meantime, Zach Michels recommended that we get a legal opinion on prohibiting roosters, requiring a special-use permit to own chickens, and requiring permission from surrounding neighbors when granting special-use permits for chickens.

3) DISCUSSION ON STORAGE CONTAINER ORDINANCE CHANGES

Commissioners discussed the changes Zach Michels made to the proposed Storage Container ordinance.

Larry Fillinger made a motion to set a public hearing for the Storage Container ordinance on May 26, 2026. Jim Anderson seconded. **5-0 MOTION CARRIED**

NEW BUSINESS:

No new business was discussed.

CORRESPONDENCE AND UPDATES:

Commissioners were reminded about the upcoming Township events:

- May 2, 2026: Township Shred Event 10am-1pm
- May 9, 2026: Large Item Collection Event 9am-1pm

Zach Michels discussed new legislative bills being discussed at the State level.

Scott Richardson talked about attending the MTA conference.

PUBLIC COMMENT:

Catherine Dyer thanked the Commissioners for their hard work on the Data Center ordinance.

ADJOURNMENT:

Cheryl Range made a motion to adjourn the Planning Commission meeting at 10:36pm. Jim Anderson seconded.

5-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

SHIPPING CONTAINERS

**Marion Township Zoning Ordinance
Livingston County, Michigan**

Draft for Planning Commission public hearing

draft for planning commission public hearing (05-18-2026)

MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
SHIPPING CONTAINERS

AN AMENDMENT TO THE MARION TOWNSHIP ZONING ORDINANCE TO AMEND DEFINITIONS RELATED TO STORAGE CONTAINERS; DELETE CURRENT STANDARDS FOR SHIPPING CONTAINERS; ESTABLISH NEW STANDARDS FOR STORAGE CONTAINERS; AND AMEND THE TABLE OF CONTENTS ACCORDINGLY.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED FOR CONTAINERS, WHICH SHALL READ AS FOLLOWS:

[Red, underlined text to be added. ~~Red, strikethrough~~ text to be deleted.]

Storage Containers: The following definitions shall apply in the application of this Ordinance.

1. Portable Storage Container: A portable or moveable, weather-resistant container designed for the short-term storage or shipment of household goods, wares, valuables, or merchandise. They are typically leased and delivered to a property on a truck and remain on site for a period of time before being removed by truck. Also known as PODs or MODs.
2. Shipping Container: A container originally or specifically used to store or transport goods or freight during shipping or hauling by ship, rail, semi-truck, or other means.

2. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

SECTION 6.07 ACCESSORY STRUCTURES AND USES OF THE ZONING ORDINANCE IS HEREBY DELETED, WHICH SHALL READ AS FOLLOWS:

[Red, underlined text to be added. ~~Red, strikethrough~~ text to be deleted.]

3. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

SECTION 6.33 STORAGE CONTAINERS OF THE ZONING ORDINANCE IS HEREBY ADDED, WHICH SHALL READ AS FOLLOWS:

[Red, underlined text to be added. ~~Red, strikethrough~~ text to be deleted.]

Storage containers are permitted subject to the standards below. These standards do not apply to storage containers associated with an approved storage or shipping operation.

- A. General Storage Container Standards: All storage containers shall meet the general standards below.
 1. Stacking: Storage containers shall not be stacked more than one (1) container high.
 2. Use: Storage containers shall only be used for storage. Keeping of animals or use for a dwelling is prohibited.
 3. Water: Storage containers shall not be connected with water or sanitary sewer.
 4. Electricity: Storage containers shall not be connected with electricity.
 5. Septic Field: Storage containers shall not be placed above a septic system, including the tank, lines, and field.
 6. Hazardous Materials: Storage containers shall not be used for storage of hazardous materials beyond what would typically be found on a residential property.
 7. Hazardous Conditions: Storage containers shall not be placed in a location that may cause hazardous conditions or constitute a threat to public safety.
 8. Vacant Property: Storage containers shall not be placed on vacant property unless a permit has been issued for construction of a new building.
- B. Portable Storage Containers: Portable storage containers shall meet the additional specific standards below.
 1. Zoning Districts: Portable storage containers are allowed in all zoning districts on a property when a permit has been approved for and there is active construction or when an occupant is in the process of moving.
 2. Number: There is a maximum of one (1) portable storage container per property. If a building permit has been issued and remains in good standing, an additional one (1) portable storage container may be kept on the property.
 3. Period: Portable storage containers accessory to moving may remain on the property for sixty (60) calendar days. Portable storage containers accessory to construction may remain on the property until the permit expires or fifteen (15) calendar days after a certificate of zoning compliance has been issued.
 4. Location: Portable storage containers shall be placed on a driveway or similar surface. They shall be at least five (5) feet from all lot lines and buildings and shall not create a vision or access hazard.
 5. Land Use Permit: A land use permit shall be required for any portable storage container to be located on a property for more than one hundred eighty (180) days.
- C. Shipping Containers: Shipping containers shall meet the additional specific standards below.

1. Zoning Districts: Shipping containers are only allowed in the HS Highway Service, LI Light Industrial, RR Rural Residential, and PL Public Lands zoning districts.
2. Number: There is a maximum of one (1) shipping container per property. Additional shipping containers may be permitted by the Zoning Administrator upon demonstration that they are necessary to support a permitted construction project.
3. Period: Shipping containers accessory to a construction project may remain on the property until the permit expires or fifteen (15) calendar days after a certificate of zoning compliance has been issued.
4. Location: Shipping containers shall meet the applicable setback standards for an accessory building and shall not be located in a front yard in RR Rural Residential zoning districts.
5. Wells: Shipping containers shall be setback at least six (6) feet from potable wells.
6. Property Size: Shipping containers shall only be placed on properties with a lot area of at least two (2) acres. This shall not apply to shipping containers accessory to a permitted construction project in a commercial zoning district.
7. Appearance: The exterior of shipping containers shall be kept and maintained with a single, consistent paint color without visible rust or markings. Shipping containers intended to remain on a property more than one hundred eighty (180) days shall be painted a color that blends in with the surrounding area.
8. Screening: Shipping containers shall be screened from adjacent residentially-zoned or used properties and public rights-of-way with evergreen vegetation, fencing, or a combination of those.
9. Roof: Shipping containers intended to remain on a property more than one hundred eighty (180) days shall have a roof finished with shingles, vertical seam or decorative metal roofing, or similar materials with a finished appearance and shall have a pitch of at least four (4) inches over twelve (12) inches.
10. Foundation: All shipping containers shall be placed on a solid foundation adequate to support the weight, such as concrete, asphalt, or compacted limestone. Shipping containers intended to remain on a property more than one hundred eighty (180) days and with a gross floor area of two hundred (200) square feet or more shall be attached to a permanent foundation.
11. Modification: Shipping containers shall not be modified except as required or allowed by this Ordinance. Doors and windows shall not be added.
12. Land Use Permit: A land use permit shall be required for any shipping container to be located on a property for more than one hundred eighty (180) days or for any shipping container accessory to a commercial use.
13. Building Permit: A building permit shall be required for any shipping container with a gross floor area of two hundred (200) square feet or more.

4. AMENDMENT OF TABLE OF CONTENTS

THE TABLE OF CONTENTS OF THE ZONING ORDINANCE IS HEREBY AMENDED FOR CONSISTENCY WITH THE ABOVE REVISIONS AND TO ACCOMMODATE REPAGINATION.

draft for planning commission public hearing (05-18-2026)

5

DATA CENTERS

10

**Marion Township Zoning Ordinance
Livingston County, Michigan**

15

Draft for Planning Commission review

20

25

draft for PC review (05-18-2026)

MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
DATA CENTERS

5 An amendment to the Marion Township Zoning Ordinance to amend definitions related to data centers; amend uses permitted by special use permit; amend standards for data centers; and amend the table of contents accordingly.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

10 SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED THE FOLLOWING DATA CENTER DEFINITION, WHICH SHALL READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

15 **Data Center:** A facility used primarily for the storage, management, process, or transmission of digital data that may include computer or network equipment, systems, servers, appliances, or other components related to digital data operations. The use may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

20 **2. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS**

SECTION 8.01(E)(22) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

25 Data centers

3. AMENDMENT OF ARTICLE X: INDUSTRIAL DISTRICTS

SECTION 10.01(D)(5) OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

5

Data centers

4. AMENDMENT OF ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

10

SECTION 17.36 DATA CENTER OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

15 Section 17.36 Data Centers

A. Intent and Purpose: The intent and purpose of this section is to establish standards for the siting, installation, operation, decommissioning, and removal of Data Centers and related accessory uses; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; ensure compatibility with land uses in the surrounding area; ensure adequate capacity for public services and infrastructure for Data Centers and the community; and protect and preserve the existing and desired rural character of the community.

20

B. Locational Requirements: Data Centers are subject to the locational requirements below.

25

1. Wellhead Protection: Data Centers shall not be located within a wellhead protection area.

2. Spacing: Data Centers shall be at least two thousand five hundred (2,500) feet from any existing or approved Data Center, including ones in adjacent communities.

30

3. Electrical: The site shall be located within one (1) mile of an existing high-voltage electrical transmission corridor.

C. Site Requirements: Data Center sites shall meet the site standards below.

35

1. Site Composition: The site shall consist of a single parcel. When a site crosses a road or is otherwise unable to be combined into a single parcel, all parcels shall be owned and controlled by a single entity.

2. Lot Area: The site shall have a total net lot area of at least ten (10) acres and a maximum total net lot area of six hundred forty (640) acres.

3. Access: The site shall have direct access from a paved county road.

D. Buffering Requirements: Data Centers shall have a landscape buffer outlined below in addition to what is required in Section 6.13 Landscaping, Fencing, Walls and Screening. In case of a conflict, these standards below shall control.

1. Width: The buffer shall be at least one hundred (100) feet wide.
- 5 2. Berm: A berm at least fifteen (15) feet high shall be located within the landscape buffer. The berm shall be setback and designed to not increase stormwater flow to adjacent properties.
3. Vegetation: The landscape buffer shall be vegetated as described below.
 - 10 a. Shade Trees: There shall be a shade tree for every seventy-five (75) feet of exterior frontage or fraction thereof. Trees shall have a caliper of at least two point five (2.5) inches at the time of planting. A maximum of ten (10) percent of shade trees can be from a single species.
 - 15 b. Evergreen Trees: Evergreens shall be planted fifteen (15) feet apart in two (2) staggered rows spaced fifteen (15) feet apart. Trees shall have a height of at least six (6) feet at the time of planting. A maximum of fifteen (15) percent of evergreen trees can be from a single species.
4. Modification: The Planning Commission can recommend and the Township Board can approve a modification of these buffering standards provided the proposed modification would provide equal or better screening to adjacent properties and consideration of the following:
 - 20 a. The proposed modification is necessary to protect or preserve existing vegetation;
 - b. The proposed modification preserves important vegetation or wildlife habitat;
 - c. The proposed modification is necessary for environmental reasons;
 - 25 d. The proposed modification is the minimum necessary.
5. Maintenance: Good arboricultural 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 foliage density. Dead or diseased vegetation shall be removed and must be replaced in a manner consistent with these standards at the next appropriate planting season.
 - 30 a. Annual Inspection: Data Centers will be inspected on at least an annual basis to ensure continued compliance with these buffering requirements.
 - 35 b. Violation: A confirmed violation of the buffering requirements must be corrected within thirty (30) days of receiving notice or the next planting season. If a violation is not corrected, the Township may enter the property and use the performance guarantee to take corrective action. This does not preclude any other legal remedy or penalty.

E. Performance Standards In addition to the general standards of this Ordinance, Data Centers shall meet the performance standards below.

1. Setbacks: Buildings shall be setback at least one hundred fifty (150) feet from lot lines and at least five hundred (500) feet from adjacent residential dwellings, schools, and religious institutions.
2. Building Height: Buildings shall have a maximum height of twenty-nine (29) feet.
- 5 3. Building Area: Individual buildings shall have a maximum area of one hundred fifty thousand (150,000) square feet.
4. Building Coverage: Maximum building coverage is forty (40) percent of the net lot area.
- 10 5. Municipal Utilities: Data Centers must be connected to and served by municipal water and sanitary sewer systems. On-site wells or septic field are not permitted.
6. Cooling: Cooling systems serving Data Centers shall be closed loop.
7. Power Generation: Routine or primary power generation is prohibited, except where expressly permitted. Emergency backup generators are permitted subject to the standards below.
 - 15 a. Use: Except for testing, exercise, or commissioning activities, generator use is limited to emergency backup use only.
 - b. Hours: Generator testing, exercise, and commissioning is limited to the hours between 11:00 am and 5:00 pm.
- 20 8. Buildings: Buildings associated with Data Centers shall meet the design standards below.
 - a. Façade Materials: Façades visible from off-site shall be have at least fifty (50) percent of their surface area clad in face brick and at least ten (10) percent of their surface clad in glass. Spandrel glass does not qualify.
 - 25 b. Roof: Buildings with a lot coverage of more than fifty thousand (50,000) square feet shall have a roof with white or lot colors, planted green roof, or solar panels.
 - c. Mechanical Equipment: Roof-mounted mechanical equipment shall be fully screened to the height of the equipment.
 - 30 d. Loading Bays: Loading bays shall only be located along one façade per building and shall not be on the front façade.
9. Lighting: In addition to the lighting standards in §14.04(E) Lighting, Data Centers shall meet the specific lighting standards below.
 - 35 a. Intensity: The maximum illumination level anywhere within the site shall be ten (10) footcandles.
 - b. Height: Building and pole-mounted light fixtures shall have a maximum height of eighteen (18) feet.
 - c. Hours: Exterior lighting shall be turned off from one (1) hour after sunset to one (1) hour before sunrise. This shall not apply to the minimum lighting: needed for construction or emergency service; required for building code; the

required for staff parking lots; or motion activated lighting required for safety or security

- d. Color Temperature: Lighting shall have a maximum color temperature of 2800K.

5 10. Security: Data Centers shall provide the security below.

- a. Perimeter Fencing: The Data Center site shall have fencing around the facility to prevent unauthorized access and to screen the facility.

- 1) Height: The fence shall be between seven (7) feet and eight (8) feet tall.

10

- 2) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

15

- 3) Fence Type: Fences visible outside the vegetative buffer shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening. Fences not visible outside the vegetative buffer may be opaque wood, metal, or masonry or chain-link.

- 4) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

20

- 5) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

25

- b. Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.

- 1) Gate Type: Gates shall be the same height and constructed of the same material as the fencing, unless otherwise approved.

- 2) Emergency Access: Access, such as Knox box, access codes, or emergency siren activation, shall be provided for emergency responders.

30

- 3) Gate House: Gate houses with around the clock staffing may be required if determined necessary to provide appropriate safety for and access to the Data Center site.

11. Sound: The sound generated by a Data Center must meet the sound standards of this Ordinance and the additional standards below.

35

- a. Day Sound Level: The maximum sound level shall be forty (40) dB(A) Lmax and dB(C) Lmax, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.

- b. Night Sound Level: The maximum sound level shall be thirty-five (35) LMax dB(A) and dB(C) Lmax, as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.
- 5 c. Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) dB(A) and dB(C).
- d. Difference: The maximum difference between dB(A) and dB(C) shall be ten (10) decibels.
- e. Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) dB(A).
- 10 f. Continued Compliance: The sound level by a Data Center must be inspected every year, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.
12. Utility Substations: Utility substations shall be located within the landscape buffer and shall be at least five hundred (500) feet from any adjacent residential dwelling, school, or religious institution.
- 15 13. Wildlife: Data Centers shall be designed, sited, and operated in a manner to minimize impact on wildlife.
- a. Wildlife Impact Analysis: An analysis to identify and assess any potential impacts on wildlife and endangered species shall be prepared by a qualified third-party professional acceptable to the Township. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- 20 25
- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 30
- c. Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- 35
- d. US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- 40 14. Environment: Data Centers shall be designed, sited, and operated to minimize impact on the environment.

- 5 a. Environmental Impact Analysis: An analysis to identify and assess any potential impacts on the natural environment including, but not limited to, trees, wetlands, and other fragile ecosystems, shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner.
- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 10 c. Tree Mitigation: Trees with a dbh of twenty (20) or more inches with good or excellent health, shall be replaced with three (3) shaded trees with a caliper of two point five (2.5) inches. To the extent feasible, the trees shall be located within the site. The Planning Commission may recommend and the Township Board may approve planting of replacement trees on other properties.
- 15 d. Site Preservation: Areas of the site not required for development shall be preserved in their natural condition or used for agriculture. Areas to be developed for future phases shall remain in their natural condition or used for agriculture until that phase is developed.
- 20 e. Environmental Laws: Data Centers shall comply with applicable parts of the Michigan Natural Resources and Environmental protection Act (Act 451 of 1994, MCL 324.101 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 324030301 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.).
- 25 f. Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.
- 30 g. Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.
- h. Responsibility: The Data Center owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion, flooding, and all other environmental impacts resulting from the facility.
- 35 15. Emergency Action Plan: Data Centers shall have an emergency action plan to identify actions to be taken in event of an emergency.
- a. Fire Suppression: The Emergency Action Plan must include a fire suppression plan, including the technology to be used.
- 40 b. Special Equipment and Training: The Emergency Action Plan shall identify special equipment and training that is required for emergency response to Data Center.

- c. Clean-up: The Emergency Action Plan must include plans for immediate cleanup and long-term remediation efforts following an emergency.
- d. Emergency Training: Before the Data Center is operational, it must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township or other emergency personnel. All training must be consistent with current industry standards.
- e. Public Record: The Emergency Action Plan will be a public record. Copies shall be shared with all relevant first responding agencies.

F. General Provisions: Data Centers are subject to the general provisions below.

- 1. Damage Repair: The owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, or infrastructure damaged by the construction, use, or maintenance of, or damage to the Data Center.
- 2. Renewable Energy: Data Centers may be co-located with renewable energy facilities, provided the renewable energy facility is intended primarily to serve the Data Center. Review and approval are required for each use.
- 3. Mixed Facilities: Data Centers may be co-located with other uses that use the waste heat, such as a greenhouse operation.
- 4. Modifications: Any modifications of an approved site plan or special use permit that are made after the initial date of approval shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.
- 5. Transfer or Sale: In the event of a transfer or sale of a Data Center, the new owner or operator must do the following.
 - a. Notify: The new owner or operator must notify the Township within thirty (30) days of the transfer or sale. The zoning administrator shall administratively amend the permit to name the new owner or operator;
 - b. Site Improvements: The Zoning Administrator will inspect the site and provide notification of any deviations or violations of the approved site plan, special use permit, or this Ordinance. Corrections shall be made within forty-five (45) days or the next planting season for landscape corrections; and
 - c. Decommissioning Performance Guarantee: Estimated costs of decommissioning and restoration shall be recalculated, and the performance guarantee shall be adjusted accordingly. The performance guarantee shall be transferred to the new owner or operator.
- 6. Phasing: Data Centers may be constructed in phases as described below.
 - a. Description: The site plan and narrative must provide a description of the proposed phasing, including phasing lines.

- b. Period: All phases must be completed within six (6) years of final site plan approval or a new site plan must be approved, subject to the standards in place at the time of application.
- c. Completion: All buffering, security, and infrastructure improvements must be completed as part of the first phase.

G. Decommissioning, Abandonment, and Restoration: The site shall be decommissioned and restored following the operational life or abandonment of the Data Center.

1. Decommissioning Plan: A Decommissioning Plan shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner.
 - a. Anticipated Life: The Decommissioning Plan shall describe the anticipated life span of the Data Center.
 - b. Decommissioning Costs: The Decommissioning Plan shall provide a probable cost estimate for decommissioning, including current cost and cost at the time of decommissioning.
 - c. How Paid: The Decommissioning Plan shall provide a description of how decommissioning costs will be paid.
 - d. Regular Updating: The Decommissioning Plan shall be updated on a regular, period of at least once every three (3) years. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.
2. Decommissioning Performance Guarantee: A performance guarantee for decommissioning and restoration of the Data Center shall be provided before construction commences and shall be held until confirmation that the site has been fully restored.
 - a. Value: The performance guarantee shall be equal to one hundred twenty-five (125) percent of the cost to remove and restore the Data Center as determined in the Decommissioning Plan.
 - b. Form: The performance guarantee shall be in the form of cash deposited with the Township or an irrevocable letter of credit naming the Township as the beneficiary. A surety bond is not acceptable.
3. Abandonment: Data Centers that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed and restored or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.
4. Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.

5. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Data Center.
- a. Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, are identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.
- b. Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, are above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.
- c. Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Data Center. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Data Center site soils have been returned to its original state for levels of organic and inorganic compounds that existed before construction.
- d. Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process.
- e. Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the township engineer and the Township Board.
6. Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
7. Land Balancing: If land balancing is required, all topsoil will be saved and spread evenly over the balanced area.
8. Township Action: The Township may remove any abandoned or unsafe Data Center structures or components that are not removed or restored within the

allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.

5 9. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal or restoration.

10. Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.

10 11. Disposal: All structures, equipment, and waste shall be removed from the site and disposed of properly.

12. Modification: The Planning Commission can recommend and the Township Board can approve modifications to a previously approved Decommissioning Plan upon finding that the modification better preserves the public health, safety, and welfare of the community.

15 **H. Application Materials:** In addition to information required for site plan and special use permit applications, applications for Data Centers must submit the following additional information with the special use permit application.

20 1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners and any additional contact information shall be submitted.

25 2. Proof of Ownership or Control: Copies of recorded deeds, purchase agreements, leases, or similar documents for properties within the Data Center that confirm the applicant has control of the property or the permission of the participating property owners to apply for the necessary approvals and permits for construction and operation of a Data Center.

3. Project Description: A general description of the proposed project and an anticipated construction schedule shall be submitted.

4. Conceptual Plan: A graphical computer-generated depiction of how the Data Center will appear from all directions shall be submitted.

30 5. Documentation: A complete set of photos and video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.

35 6. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Data Center Facility shall be submitted.

7. Road Agencies: Proof of approval or conditional approval by any road agency from which the Data Center will have access or whose roads will be used as a construction or maintenance route shall be submitted.

8. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Data Center that has participating properties with a county drain or proposes improvements within a county drain easement.
- 5 9. Wildlife Impact: A copy of the wildlife impact analysis shall be submitted.
10. Environmental Impact: A copy of the environmental impact analysis shall be submitted.
11. Complaint Resolution Protocol: A copy of complaint resolution protocol shall be submitted.
- 10 12. Decommissioning Plan: A copy of the decommissioning plan shall be submitted.
13. Emergency Action Plan: A copy of the Emergency Action plan shall be submitted.
14. Right-to-Enter: Submission of an application for a Data Center grants the Township and its agents the right to enter the facility and any participating property for inspection of the Data Center at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator.
- 15 15. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.

20

5. AMENDMENT OF ARTICLE XIIA: WELLHEAD PROTECTION OVERLAY DISTRICT

SECTION 12A.08(N) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

25 *[Red, underlined text to be added. Red, strikethrough text to be deleted.]*

N. Data centers.

6. AMENDMENT OF TABLE OF CONTENTS

30 The Table of Contents of the Zoning Ordinance is hereby amended for consistency with the above revisions and to accommodate repagination.

Keeping of Chickens

Please find below a draft ordinance for keeping of chickens, based on language from Howell and Pinckney and Planning Commission discussions. This would be a new police power ordinance.

This draft provides several options with respect to permits, including an annual permit, a once permit (similar to a land use permit), or no permit.

All of the proposed language is new. Changes from the previous draft are shown with redline.

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
KEEPING OF CHICKENS
GENERAL ORDINANCE NO. 26-XX

An ordinance regulating the keeping of chickens not associated with a commercial agriculture operation.

ARTICLE I: INTENT, PURPOSE, AND SHORT TITLE

1.1 Intent and Purpose

The intent and purpose of this ordinance is to:

1. Health, Safety, and Welfare: Protect and preserve the public health, safety, and welfare;
2. Nuisance: Mitigate potential nuisances that may arise from the keeping of chickens;
3. Character: Protect and preserve the existing and desired character of Marion's residential areas;
4. Standards: Establish standards for the keeping of chickens in residential areas;
5. Processes: Establish the processes for administration of this Ordinance; and
6. Enforcement: Establish authority for enforcement and penalties for violation of this Ordinance.

1.2 Short Title

This Ordinance shall be known as and may be cited and referred to as the "Marion Township Keeping of Chickens" General Ordinance No. 26-XX and shall hereinafter be referred to as Keeping of Chickens Ordinance.

ARTICLE II: SCOPE

The terms and provisions of this Ordinance shall apply to the keeping of chickens that are not associated with commercial agriculture operations.

ARTICLE III: DEFINITIONS

For construction and application of this Ordinance, the definitions below shall apply

- 3.1 **Chicken:** Common domesticated fowl (*Gallus gallus*), including all hens and egg-laying hens.
- 3.2 **Chicken Coop:** A small structure designed for the protection and occupation of chickens.
- 3.3 **Commercial Agriculture:** The use of land or structures for the growing or production of farm products for sale or offer of sale.
- 3.4 **Hen:** An adult female chicken.
- 3.5 **Rooster:** An adult male chicken older than four (4) months.
- 3.6 **Township Board:** The Marion Township Board.
- 3.7 **Zoning Administrator:** The Marion Township Zoning Administrator.
- 3.8 **Adjacent Parcel:** Any parcel sharing any part of a property line or corner with the subject parcel proposed for keeping of chickens.
- 3.9 **Water Body:** A lake, river, stream, creek or pond.
- 3.10 **Private Water Well:** A water system designed to supply ground water to a single-family dwelling for drinking water and domestic water use of the single-family dwelling.
- 3.11 **Free-Range Chickens:** Chickens that are kept outdoors without containment or enclosures.
- 3.12 **Residential Parcel:** Any parcel that contains one (1) single-family dwelling within a single structure that is used for residential purposes and it is not part of a commercial agriculture operation.

ARTICLE IV: STANDARDS

Keeping of chickens shall be subject to the standards outlined below.

- 4.1 **Permit:** A keeping of chicken permit, in good standing, is required for the keeping of animals.
- 4.2 **Principal Use:** The principal use of the subject parcel must be a single-family dwelling, as defined in the Marion Township Zoning Ordinance.
- 4.3 **Zoning Districts:** Keeping of chickens is allowed in the RR Rural Residential and SR Suburban Residential zoning districts.
- 4.4 **Lot Area and Number of Chickens for Residential Parcels:** The number of chickens allowed per residential parcel shall be consistent with the table below.

Lot Area	Maximum Number of Chickens
less than 1 acre	6
at least 1 acre but less than 2 acres	12
at least 2 acres but less than 3 acres	18
at least 3 acres but less than 4 acres	24
4 acres or more	12 per acre

-
- 4.5 Roosters:** Roosters older than four (4) months are prohibited on parcels with a lot area of less than four (4) acres.
- 4.6 Location:** Chickens shall be kept in the backyard, as defined in the Marion Township Zoning Ordinance. Chickens shall not be allowed in a residence, porch, or attached garage after the age of four (4) months).
- 4.7 Fenced Enclosure:** Chickens must be kept within a fenced enclosure at all times, consistent with the standards below.
1. Dwelling Setback: Fenced enclosures must be at least forty (40) feet from dwellings on adjacent properties.
 2. Property Line Setback: Fenced enclosures must be at least fifteen (15) feet from adjacent property lines and are subject other fence standards of the Marion Township Zoning Ordinance.
 3. Size: The fenced enclosure shall provide at least four (4) square feet of open space for each chicken.
 4. Protection: The fenced enclosure shall be built to keep dogs, cats, and wildlife from gaining entry.
- 4.8 Chicken Coop:** Chickens must be provided with a secure, well-ventilated, roofed, and lockable coop, located within the fenced enclosure, consistent with the standards below.
1. Property Line Setback: Chicken coops shall be at least fifteen (15) feet from adjacent property lines or the minimum side yard setback for the zoning district, whichever is larger, and are subject to other standards for accessory buildings of the Marion Township Zoning Ordinance.
 2. Size: The chicken coop shall provide at least two (2) square foot per chicken.
 3. Protection: The coop shall be built to keep dogs, cats, and wildlife from gaining entry.
- 4.9 Sanitary:** Fenced enclosures and coops shall be maintained in a clean and sanitary condition at all times. Waste materials shall be disposed of in a sanitary manner, which may include bagging or composting, and not piled or otherwise stored on the subject parcel.
- 4.10 Rodents:** All coops shall be constructed and maintained to prevent rats, mice, or other rodents from being harbored below, within, or within the walls of the coop.
- 4.11 Feed:** Chicken feed shall be stored within a tightly-lidded rodent-proof container(s) in a shed, garage, or similar dry and protected storage area.
- 4.12 Maintenance:** All chickens shall be fed and watered on a daily basis. The buildup of flies and maggots shall be controlled by keeping litter and feed dry and promptly disposing of dead birds or waste eggs in a sanitary manner by bagging and disposing of the waste in the trash. Piling waste materials on the subject parcel is not acceptable.
- 4.13 Disease:** Any outbreak of a disease within the chicken population requiring treatment must be reported to the Township, Livingston County Health Department, and the Michigan Department of Agriculture immediately.
- 4.14 Water Protection:** The keeping of chickens shall only be allowed on parcels adjacent to a waterbody with a lot area of at least two (2) acres. The fenced enclosure and coop shall be at least one hundred (100) feet from the waterbody. This section does not apply to a waterbody
-

that is located entirely within the subject parcel and is not connected to any waterbody off the subject parcel.

- 4.15 Nuisance:** The chickens shall not become excessively noisy, odorous, dangerous, or in any way disruptive to the character of the area in which they are kept, or otherwise become a public nuisance.
- 4.16 Slaughter:** The slaughter of chickens is prohibited. This does not apply to the culling of chickens that may be necessary due to disease or poor health. An animal care program involving euthanasia of chickens should be made available at the time of application. Owners must bag and dispose of dead birds in the trash.
- 4.17 Sales:** The eggs produced by chickens shall not be made available for sale on or at the subject property.
- 4.18 Private Water Well Protection:** Chicken coops and fenced enclosures shall be located at least fifty (50) feet from any private water well on the subject parcel or adjacent parcels.

ARTICLE V: ADMINISTRATION

This Ordinance shall be administered as outlined below.

- 5.1 Authority:** The Zoning Administrator shall have authority to administer this Ordinance, except as otherwise specified.

[IF THERE IS A DESIRE TO NOT REQUIRE A PERMIT, SECTIONS 5.2 THROUGH 5.11 BELOW MAY BE DELETED. A LAND USE PERMIT WOULD NOT BE APPROPRIATE, AS THE ZONING ORDINANCE EXPLICITLY STATES THAT LAND USE PERMITS SIGNIFY COMPLIANCE WITH THE ZONING ORDINANCE.]

- 5.2 Application:** An application shall include the following:
 - 1. Form: A signed and completed application form;
 - 2. Plans: A site plan approved by the zoning administrator showing the location of the coop and enclosure on the parcel, location of the private water well, construction details related to the enclosure fence and coop structure.
 - 3. Waste Management Plan: A description of how waste, including feed, manure, and deceased chickens will be managed and disposed;
 - 4. Animal Care Plan: An animal care program involving euthanasia of chickens;
 - 5. Fee: A fee as adopted by Township Board resolution; and
 - 6. Additional Materials: Any additional information necessary to determine compliance with this Ordinance and other applicable laws.
- 5.3 Complete and Accurate:** Submission of an application constitutes a representation that all of the information is complete and accurate.
- 5.4 Right-to-enter:** Submission of an application constitutes permission for the Township and its agents to enter the subject parcel for the purposes of administering this Ordinance.
- 5.5 Issuance:** Permits shall be issued by the Zoning Administrator after adequate review upon

determination that the proposed keeping of chickens is consistent with this Ordinance. A permit may be denied to an applicant who has a documented history of violating this Ordinance.

5.6 Withholding Permit: Issuance of any permit may be withheld pending verification, including field investigation, that the proposed keeping of chickens is consistent with this Ordinance.

5.7 Conditions: Reasonable conditions may be placed on approvals, as outlined below.

1. Health, Safety, and Welfare: Conditions shall be designed to protect the public health, safety, and welfare of the subject parcel residents, adjacent parcel and residents, and the community in general.
2. Police Power: Conditions shall be related to the valid exercise of the police power and purposes of this Ordinance that are impacted by the keeping of chickens.
3. Compliance: Conditions shall be necessary to ensure compliance with the terms and provisions of this Ordinance.

5.8 Period: Keeping of chicken permits shall be valid for the calendar year in which they are issued or until revoked. If the calendar year ends on a day when Marion Township offices are not open to the public, they shall remain valid through the end of the first day that the offices are open to the public.

[IF THERE IS A DESIRE FOR AN INITIAL PERMIT THAT REMAINS VALID WITHOUT AN ANNUAL RENEWAL, THE LANGUAGE BELOW CAN BE SUBSTITUTED FOR SECTION 5.8.]

Period: Keeping of chicken permits shall be valid while the use continues or until revoked.

5.9 Suspension or Revocation: A permit issued under this ordinance may be suspended temporarily and immediately or revoked permanently, as outlined below.

1. Notice: The subject parcel owner shall receive written notice of the possible suspension or revocation, including the time and place the suspension or revocation will be considered, the reason for the suspension or revocation, and the actions necessary to prevent the suspension or revocation. The notice shall be sent at least ten (10) business days before the suspension or revocation will be considered.
2. Decision Criteria: In order to suspend or revoke an approval, at least one (1) of the following shall be found to be true:
 - a. Threat: A severe and imminent threat exists to the health, safety, or welfare of residents on adjacent properties or the community in general;
 - b. Ordinance Terms and Provisions: The approval or execution of an approved permit is not consistent with the terms or provisions of this Ordinance;
 - c. Approval and Conditions: The approval or execution of an approved permit is not consistent with the approval, any condition of approval, or any written commitment;
 - d. Fraud: The approval was the result of fraud or misrepresentation of facts.
3. Effect: Upon temporary suspension, the subject parcel owner must make all necessary corrections in a timely manner. Upon permanent revocation, the subject property owner must remove the chickens and coop from the parcel in a timely manner.

5.10 Appeals: Appeals from decisions made in the administration of this Ordinance shall be heard and

decided by the Township Board. The original decision shall be upheld unless a written finding is made that the decision was arbitrary or capricious; based on an inaccurate application of this Ordinance; or was based on erroneous facts.

- 5.11 Vested Rights:** Issuance of a permit does not vest any rights beyond the term of that permit, subject to the terms and provisions of this Ordinance.

ARTICLE VI: ENFORCEMENT AND PENALTIES

This Ordinance and approvals granted under it shall be enforced as and subject to penalties outlined below.

- 6.1 Nuisance Per Se:** A violation of any term or provision of this Ordinance or any permit issued under this Ordinance, including conditions, shall be a nuisance per se and may be abated by a court of competent jurisdiction.
- 6.2 Presumption/Party to Violation:** The owner of record, resident, applicant, or any agent who commits, participates in, assists, aids, or maintains a violation may each be found responsible for each separate offence and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as noted in the Township's current assessment roll, has authorized all structures and uses.
- 6.3 Inspection of Violation:** Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.
- 6.4 Scope of Remedies:** The Township may pursue all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, or combination of those shall not exempt a violator from compliance with the terms and provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.
- 6.5 Cease and Desist Order:** If a violation of the terms or provisions of this Ordinance is found to exist after an inspection, a cease and desist order shall be issued in the form of a written notice ordering an immediate cessation of the violation. A cease and desist order may be issued to any person that is subject to the terms or provisions of this Ordinance.
1. **Effective:** A cease and desist order shall be effective once it has been posted on the subject parcel where the violation exists and a copy has been sent to the last known address of the subject parcel owner. Additional copies of the cease and desist order may be sent to other responsible parties to the violation, if different and known.
 2. **Effect:** Once a cease and desist order has been issued, the violation of this Ordinance shall stop immediately. The Zoning Administrator may allow a reasonable time for corrections to be made.
 3. **Violation:** Any violation of a cease and desist order shall be a violation of this Ordinance.
 4. **Other Remedies:** A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance and state and federal law
- 6.6 Municipal Civil Infraction:** The violation of any term or provision of this Ordinance or permit issued under this Ordinance or of any condition placed on approval of a permit under this

Ordinance shall be a municipal civil infraction. Payment of a fine shall not allow the violation to continue. Each day a violation continues shall be considered a separate offense. If found responsible for a violation, the responsible party shall pay all costs and expenses, direct and indirect, including, but not limited to staff time, contractor time, and attorney costs, that the Township has incurred and shall be subject to the civil fines outlined below.

1. First Violation: The fine for a first violation within a three (3) year period, determined by the date of violation is \$125.00.
2. Second Violation: The fine for a second violation within a three (3) year period, determined by the date of violation is \$250.00;
3. Third Violation: The fine for a third violation within a three (3) year period, determined by the date of violation is \$500.00;
4. Fourth and Subsequent Violation: The fine for a fourth and subsequent violation(s) within a three (3) year period, determined by the date of the violation is \$1,000.00.

ARTICLE VII: SEVERABILITY

If any one (1) or more sections, provisions, phrases, or words of this Ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance unless expressly stated by the court. If the application of this Ordinance on a specific parcel is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity or enforceability on other properties unless expressly stated by the court.

ARTICLE VIII: REPEALER

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed on the effective date of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

ARTICLE IX: NONEXCLUSIVITY

The prohibitions provided for in this Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule, or regulation.

ARTICLE X: ADOPTION

Provision of this Ordinance shall take effect thirty (30) days from the date of publication in accordance with the statutes of the State of Michigan.

Motion by **NAME**, supported by **NAME**. Motion carried **X-X**.

This Ordinance was adopted by the Township Board at a duly-called meeting on **DATE**, as verified by Tammy L. Beal, MMC, Marion Township Clerk.


Date Adopted by Township Board:	DATE
Date Published in Newspaper:	DATE
Name of Newspaper Published in:	NEWSPAPER
Effective Date:	DATE
Date Filed with County Clerk:	DATE
Date Recorded in Township Ordinance Book:	DATE

Correspondence for Inclusion in Planning Commission Packet — AI Data Center Zoning

From Sean Webber <sean@webber.us>

Date Mon 2026-05-18 6:31 AM

To Sean Webber <sean@webber.us>

 1 attachment (749 KB)

Bruce-Washington HEID Ordinance Amendment v6.2.pdf;

Dear Planning Commission Member:

Proposals for AI and hyperscale data centers continue to advance at a rapid pace across the state. At this time it is believed that there are 31 such proposals in Michigan.

Public bodies with an applicant in front of them are generally reaching the same conclusion: AI data centers are a very new land use. The majority of local planning commissions did not write their ordinances or master plans with this in mind.

Land use and zoning attorneys are increasingly advising public bodies to pass zoning amendments in response to the development of this industry. This is the right path forward in the absence of broader action from the state legislature. As this industry has accelerated, the quality of guidance available to public bodies has varied widely. Communities are well-served by seeking multiple perspectives before acting.

Attached is a zoning ordinance amendment drafted by a citizens committee with the help of planning and legal professionals. Contributions include those of Washington Township, Bruce Township, Armada Township, and other communities. Men and women labored for approximately four months to create ordinances for a land use that was largely not understood a year ago.

I am so proud and inspired by how these citizens rose to the occasion to serve their community and provide a template for planning commissions statewide.

Thanks to their work, I am pleased to share a starting point with public bodies like yours for the widest possible distribution.

Please include this correspondence in the board packet for the next regularly scheduled Planning Commission meeting.

Respectfully,
Sean Webber

WASHINGTON TOWNSHIP HIGH-ENERGY INTENSIVE DEVELOPMENT (HEID) ORDINANCE AMENDMENT

Residence Committee Proposed Document -- Version 6.2

EXECUTIVE SUMMARY

This amendment establishes comprehensive protections for Washington Township residents while managing High-Energy Intensive Development (HEID) facilities such as data centers. The ordinance balances economic development with community welfare through strict technical standards, financial guarantees, and transparency requirements.

Key Achievements

Category	Protection Level
Water/Groundwater	2-mile monitoring radius, 150% bond, 3-month partial recovery, Chemical Discharge Limits , State Permit Coordination.
Noise/Infrasound	dBA/dBC limits + 80 dB(G) infrasound cap; Class 1 sensor monitoring with public dashboard access.
Jobs	10 jobs/MW minimum, 75% at median income, independent third-party verification.
Energy	Dry cooling only, no continuous hydrocarbon generation, on-site renewable requirement (30%+).
Emergency Generators	100-hour annual cap, 2-hour notification, noise limits, defined "Emergency Event."
Financial Security	Consolidated bonds/escrows (13 types) covering infrastructure, decommissioning, and environmental risks.
Transparency	Public registry, real-time dashboards, quarterly reporting, independent expert verification.
Climate Accountability	Scope 1-2 GHG reporting, TCFD-aligned risk disclosure, Local Environmental Mitigation Impact Fee.
Waste Management	E-waste tracking, PFAS testing, NIST data destruction standards.
Phased Development	Explicit authority to limit build-out to specific land areas/phases until prior phases are verified.
Chemical Discharge	Strict limits on biocides, corrosion inhibitors, and TDS in cooling tower blowdown; mandatory quarterly testing.

Legal Defensibility Enhancements

All provisions have been reviewed for consistency and legal defensibility under Michigan Zoning Enabling Act (MCL 125.3101 et seq.):

1. **Fine Structure:** Cumulative fines with \$500,000/day aggregate cap; categorized by severity.
 2. **Cure Periods:** 5-day cure for administrative violations; immediate fines for emergency violations.
 3. **Feasibility Clauses:** Scientific feasibility adjustments for aquifer recovery timelines.
 4. **State Law Supremacy:** Explicit clauses deferring to EGLE permits while asserting local zoning authority.
 5. **Police Power Justification:** Generator limits framed as noise/safety measures, not air quality regulation.
 6. **Severability & Repealer:** Provisions are severable if preempted; conflicting ordinances are repealed.
 7. **Phased Authority:** Explicit statutory basis for phased land area enforcement with variance protections.
 8. **Chemical Control:** Explicit authority to regulate chemical discharge to protect local water infrastructure and groundwater.
-

ARTICLE 1: INTRODUCTION & PURPOSE

1.1 Authority This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., and the Township's police power to protect the public health, safety, and welfare.

1.2 Purpose The purpose of this Ordinance is to regulate High-Energy Intensive Developments (HEID) to: a. Protect residential quality of life from noise, light, and environmental impacts. b. Ensure adequate infrastructure capacity and financial responsibility. c. Promote sustainable energy use and local economic benefits. d. Provide a clear, predictable, and legally defensible framework for development review. e. Enable phased development to verify infrastructure and environmental compliance before expanding site footprint. f. **Prevent contamination of municipal sewer systems and groundwater from chemically treated water discharge.**

1.3 Effective Date This amendment shall take effect [X] days after adoption and apply to all new HEID applications filed after that date. Existing HEIDs shall be governed by Article 8.2 (Non-Conforming Use).

ARTICLE 2: DEFINITIONS

(All technical terms used in this Ordinance are defined below. If a term is not defined, it shall have its ordinary meaning.)

2.1 High-Energy Intensive Development (HEID) A land use or activity that, by design, consumes $\geq 2,000$ kW continuous electricity or $\geq 500,000$ gal/yr potable water or $\geq 1,000$ ton-hrs/yr cooling energy, or is classified by the Michigan Public Service Commission as a "large-scale data processing facility." Typical examples: data centers, cryptocurrency mining farms, high-performance computing clusters, large-scale video rendering or AI training facilities.

2.2 Environmental Impact Assessment (EIA) Technical study (licensed PE) quantifying projected electrical, water, and thermal energy loads, evaluating municipal utility capacity, and identifying required upgrades, mitigation measures, and renewable energy commitments.

2.3 Renewable Energy (RE) Commitment On-site generation, purchase power agreement, or escrow equal to $\geq 30\%$ of the HEID's projected annual electricity consumption.

2.4 Performance Bond (PB) Cash bond, irrevocable letter of credit, or surety bond equal to 100% of the estimated cost of all required utility, water, and stormwater infrastructure upgrades identified in the EIA.

2.5 Noise Impact Assessment (NIA) Study (licensed acoustical engineer) predicting high-frequency (125 Hz -- 8 kHz) and low-frequency (≤ 125 Hz) SPL (dBA/dBC) at the nearest residential front yard (day/night) and recommending mitigation.

2.6 Lighting Control Plan (LCP) Design package proving compliance with § 5.15 (dark sky-friendly fixtures) and that illuminance at any adjacent residential property does not exceed 0.3 foot-candles measured at the property line.

2.7 Cumulative Energy Load (CEL) Aggregate projected electricity, water, and cooling demand of all HEIDs within a one-mile radius of a proposed site.

2.8 Mitigation Plan (MP) Site-specific plan addressing stormwater, heat island, noise (high & low frequency), lighting, water conservation, and waste disposal measures.

2.9 Hazardous/Industrial Waste Disposal Requirement Any HEID that generates hazardous, electronic, or industrial waste must develop a Waste Management Plan (licensed hazardous waste consultant) that complies with EGLE regulations, includes manifest tracking, on-site segregation, and approved off-site disposal.

2.10 Job Density Ratio (JDR) The quotient of total full-time equivalent (FTE) jobs divided by total megawatt (MW) of installed electrical capacity. A "job" means an FTE employing at least 40 hours per week, located within the municipality, and reported on payroll records.

2.11 Supply Chain Risk Management (SCRM) Plan A comprehensive strategy detailing the sourcing, vetting, and lifecycle management of critical infrastructure components. Must identify single points of failure, geopolitical risks, and contingency protocols.

2.12 Critical Infrastructure Components Hardware essential to HEID operation including servers, cooling systems, UPS, transformers, switchgear, network switches, and firmware-controlled devices.

2.13 Solid Oxide Fuel Cell (SOFC) System An electrochemical power generation system converting fuel directly to electricity without combustion, achieving $\geq 37\%$ efficiency, zero water consumption, and $\text{NO}_x < 0.01$ lbs/MWh.

2.14 Alternative Power Generation Analysis (APGA) A comparative technical evaluation assessing multiple on-site power generation technologies (including SOFC, advanced nuclear, hydrogen, etc.) for feasibility, efficiency, emissions, and cost.

2.15 High Impact Data Center A HEID that meets any of the following: a. Total Site Load exceeds 30 MW-Facility at full buildout; or b. Includes 10 MW or more of installed on-site generation capacity; or c. Proposed as a campus/multi-phase development intended to exceed these thresholds.

2.16 HEID Size Class Disclosure categories (Micro, Small, Medium, Large, Hyperscale) based on MW-Facility range, site area, building area, and height.

Size Class	MW-Facility Range	Typical Site Area	Typical Building Area	Typical Height
Micro/Edge	≤ 2 MW	~1--5 acres	~10,000--80,000 sq ft	~18--35 ft
Small	> 2 to 10 MW	~5--25 acres	~80,000--300,000 sq ft	~24--45 ft
Medium	> 10 to 30 MW	~20--60 acres	~300,000--800,000 sq ft	~30--65 ft
Large	> 30 to 100 MW	~60--150+ acres	~800,000--2,000,000+ sq ft	~30--90 ft
Hyperscale/AI Class	> 100 MW	~150--300+ acres	~2,000,000--10,000,000+ sq ft	~60--120+ ft

Required Disclosure Fields for each phase and full buildout (project-specific values):

- a. **Site/Parcel:** Site acreage and parcel configuration
- b. **Building Form:** Total enclosed building area (sq ft), building height (ft)
- c. **Electrical Demand (Power):** MW-IT (average and peak), MW-Facility (average and peak)
- d. **Energy Efficiency:** Target PUE, PUE measurement/reporting method
- e. **Electrical Consumption (Energy):** Annual energy (MWh/year)
- f. **Cooling/Heat Rejection:** Cooling type(s), heat rejection equipment (including nameplate ratings)
- g. **Water (Source, Use, Discharge):** Water withdrawal/consumption/discharge (daily and annual), source(s) and discharge point(s)
- h. **On-Site Supplemental Power Generation:** Inventory (unit kW/MW, aggregate MW, fuel type), operating mode, expected annual run hours, expected annual fuel usage and on-site storage capacity
- i. **Other Pertinent Metrics:** Transformer/substation equipment, battery/UPS energy rating (MWh), site impervious coverage, construction phasing schedule
- j. **Phased Buildout Plan:** Number of proposed phases, acreage per phase, and sequence of development.
- k.

Chemical Discharge Plan: Inventory of water treatment chemicals and proposed discharge limits.

2.17 Power and Energy Units

- **Megawatt (MW):** Unit of power (rate of use).
- **Megawatt-hour (MWh):** Unit of energy (power integrated over time).

2.18 IT Load and Total Site Load

- **IT Load (MW-IT):** Power used by IT equipment.
- **Total Site Load (MW-Facility):** Total power at the site utility meter(s), including IT and support systems.

2.19 PUE (Power Usage Effectiveness) Ratio: Total Site Load ÷ IT Load. Lower PUE indicates better efficiency. Target benchmark: ≤ 1.2 .

2.20 Cooling and Heat Rejection

- **Dry Cooling:** Heat rejection using air-cooled equipment without evaporating water.
- **Evaporative/Wet Cooling (PROHIBITED):** Cooling towers, adiabatic coolers, misters, or any system rejecting heat by evaporating water.
- **Hybrid Cooling (PROHIBITED):** Systems capable of operating in both dry and wet modes.
- **Liquid/Immersion Cooling:** Permitted only if heat rejection is accomplished via dry cooling.

2.21 Infrasound and Measurement Terms

- **Infrasound:** Sound energy with dominant frequencies below 20 Hz (1--20 Hz band).
- **G-Weighting; dB(G):** Frequency weighting for infrasound (ISO 7196:1995).
- **LG,eq,T:** G-weighted equivalent continuous sound pressure level over time T.

2.22 PFAS Exceedance A single sampling event at a specific monitoring point or residential well detecting PFAS concentrations above Michigan EGLE or federal regulatory limits. Each distinct event/location is a separate exceedance.

2.23 Township-Retained Expert An independent subject matter expert retained by the Township to verify applicant submissions. Costs borne by the applicant.

2.24 Independent Verification The process by which a Township-Retained Expert reviews, audits, or validates technical claims submitted by an applicant.

2.25 Emergency Event Strictly limited to: a. Actual utility power outage affecting the facility; b. Documented grid instability requiring immediate backup power per utility directive; or c. Life-safety system activation (fire suppression, medical equipment).

Excludes: Planned maintenance, testing, peak shaving, demand response, or merchant power sales.

2.26 Carbon Benchmark Price Annual market rate for high-quality Renewable Energy Credits (RECs) or carbon offsets, established by the Township Board for calculating the Local Environmental Mitigation Impact Fee.

2.27 Location-Based Method GHG Protocol Scope 2 accounting method reflecting average emissions intensity of the local grid where energy is consumed.

2.28 Market-Based Method GHG Protocol Scope 2 accounting method allowing use of RECs/offsets. The **higher** of Location-Based or Market-Based totals shall be used for fee calculations.

2.29 7Q10 Minimum Flow Rate Lowest flow expected for seven consecutive days once every ten years, as defined by Michigan EGLE water quality standards.

2.30 EGLE Permit Any permit, license, registration, or approval required from the Michigan Department of Environment, Great Lakes, and Energy under state law.

2.31 Chemically Treated Water Discharge Water discharged from the facility that has been treated with chemicals (including but not limited to biocides, corrosion inhibitors, scale inhibitors, or cleaning agents) for cooling, boiler, or industrial processes.

2.32 Blowdown The portion of circulating water removed from a cooling system to control the concentration of dissolved solids and suspended matter, typically containing concentrated treatment chemicals.

ARTICLE 3: ZONING DISTRICTS & PERMITTED USES

3.1 Permitted Districts HEIDs are Special Land Uses permitted **ONLY** in the Industrial (IND) District (§ 3.1.14).

3.2 Prohibited Locations HEIDs are prohibited within: a. Any Residential district (A1, R1, R1A through R1D). b. Within 300 ft of a wetland, lake shoreline, or protected natural resource. c. Within 100 ft of a fire hydrant, fire lane, or emergency service access point. d. Within 1,500 ft of a K-12 school, licensed childcare center, or hospital (High Impact Data Centers only).

ARTICLE 4: USE STANDARDS

4.1 Classification HEIDs are Special Land Uses subject to §§ 4.2 through 4.11.

4.1-A Special Land Use Status HEIDs require Special Land Use approval from the Planning Commission.

4.1-B Phased Development Authority The Planning Commission may approve HEID projects in **phased construction stages** based on objective criteria including: a. Utility capacity verification (per § 4.5). b. Environmental impact verification (per § 5.2). c. Job density milestone achievement (per § 4.7). d. Financial assurance compliance (per § 6.5).

Phase Advancement Requirements:

1. **Sequential Approval:** No subsequent phase (e.g., Phase 2) may commence construction or land disturbance until the Township has issued a **Certificate of Completion** for the preceding phase.
2. **Inspection Trigger:** A Certificate of Completion requires verification that all bonds, utility upgrades, noise controls, and job density milestones for the prior phase are met.
3. **Cumulative Limits:** The total approved phasing shall not exceed the maximum site area defined in the Size Class Disclosure (§ 2.16) unless a new Environmental Impact Assessment is submitted.
4. **Timeline:** Maximum interval between phases shall not exceed **18 months** unless extended for documented hardship or force majeure.

4.2 Mandatory Pre-Application Package Applicants must submit simultaneously:

1. HEID Application Form.
2. Environmental Impact Assessment (EIA).
3. Renewable Energy Plan.
4. Water Use Impact Study.
5. Noise Impact Assessment (NIA).
6. Lighting Control Plan (LCP).
7. Mitigation Plan (MP).
8. Waste Management Plan.
9. Job Density Compliance Plan.
10. Supply Chain Risk Management (SCRM) Plan.
11. Alternative Power Generation Analysis (APGA).
12. Size Class Disclosure.
13. Groundwater Impact Study & Dewatering Plan.
14. GHG Emissions Reporting Plan.
15. E-Waste Management Plan.
16. Phased Construction Plan (detailing acreage, sequence, and milestones per phase).
17. **Chemical Discharge Management Plan (CDMP) detailing all water treatment chemicals, discharge volumes, and proposed treatment methods.**

4.3 Utility Infrastructure & Cost Requirements

- **Electrical:** Performance Bond covering 100% of estimated electrical upgrade cost.
- **Water & Sewer:** Performance Bond covering 100% of water/sewer upgrade cost.

- **Stormwater:** MP must include on-site detention meeting Macomb County standards.

4.4 Noise & Light Controls

- **Noise:** High-frequency ≤ 45 dBA (day) / 35 dBA (night); Low-frequency ≤ 40 dBC (day) / 30 dBC (night) at property lines. Real-time Class 1 sensor monitoring required, **accessible to a public dashboard.**
- **Infrasound:** ≤ 80 dB(G) LG,eq,10-minute at residential parcel boundaries.
- **Light:** Illuminance ≤ 0.3 fc at adjacent properties; fully shielded fixtures; no blue-rich LEDs >3000 K.

4.5 Cumulative Energy Load Review Planning Commission shall compute CEL for all HEIDs within a one-mile radius. If CEL exceeds 15% of local utility peak capacity, further approvals may be limited.

4.6 Setbacks

- **Residential:** Principal buildings $\geq 1,500$ ft from residential parcel boundary.
- **Sensitive Uses:** High Impact HEIDs $\geq 1,500$ ft from schools, childcare, hospitals.

4.7 Job Density Requirement

- **Minimum:** 10 jobs per MW of installed capacity.
- **Quality:** 75% of FTE positions at or above inflation-adjusted median household income.
- **Verification:** Applicants shall submit employment projections **verified by independent third-party analysis** prior to permit approval.
- **Bond:** 10% of estimated economic impact if targets not met.
- **Phasing:** Projects >50 MW may comply over 5 years (**50%, 75%, 100%** milestones).
- **Annual Reporting:** Facility operators shall submit annual employment reports to the Planning Department, including **payroll documentation and job classification breakdowns.**

4.8 Supply Chain Resilience & Security SCRM Plan must demonstrate:

- Component provenance (no high-risk jurisdictions without vetting).
- 10-year parts availability guarantee.
- Vendor diversification (no single supplier $>50\%$).
- Cybersecurity vetting (no backdoors).
- **Abandonment mitigation clause detailing how the facility will be secured and maintained if the primary vendor ceases operations or if geopolitical sanctions prevent parts delivery.**
- 5% Contingency Bond for emergency procurement.

4.9 Alternative Power Generation Analysis (APGA)

- **Requirement:** Evaluate latest commercially viable on-site power generation technologies (e.g., SOFC, hydrogen, advanced nuclear, solar+storage).
- **Scope:** Compare at least 3 distinct pathways based on efficiency, emissions, cost, and grid independence.
- **Review:** Independent Township-paid consultant must certify objective analysis.
- **Conditional Approval:** If a superior low-carbon technology is viable, applicant must commit to it or post transition bond.
- **Dynamic Standard:** Township may update "latest technologies" list via administrative resolution.

4.10 Power Generation & Cooling Technology Standards

A. POLICE POWER JUSTIFICATION Restrictions in this section are enacted under the Township's police power to protect public health, safety, and welfare from **noise, vibration, and community disruption**. They are **zoning conditions**, not air quality regulations, and do not replace EGLE permitting authority.

B. Continuous Hydrocarbon-Fueled On-Site Power Generation (PROHIBITED) Operation of hydrocarbon generators for continuous, prime, peaking, or routine non-emergency supply is prohibited.

- *Prohibited:* Peak shaving, demand response, merchant power sales.
- *Exception:* Emergency outage operation and readiness testing only.

C. Emergency Generator Use & Limitations Hydrocarbon generators permitted **only** for Emergency Events.

1. **Definition:** See § 2.25 (Emergency Event).
2. **Operational Limits:**
 - **Annual Cap:** Max 100 hours/year (rolling 12-month basis).
 - **Warning:** >75 hours triggers corrective action plan.
 - **Hard Cap:** >100 hours triggers additional bonding, suspension, or grid upgrade requirement.
 - **Testing:** Limited to 8:00 AM -- 7:00 PM unless reliability standard requires otherwise.
 - **Portable Units:** Subject to same limits; cannot be used to circumvent restrictions.
3. **Notification & Reporting:**
 - Notify Township within 2 hours of activation.
 - Public dashboard update within 1 hour.
 - Resident alert (within 1,500 ft) within 4 hours (for >10 MW facilities).
 - Post-event report within 48 hours.

D. Cooling Technology Prohibitions

- **Wet/Evaporative Cooling:** Prohibited (cooling towers, adiabatic, misters).
- **Hybrid Cooling:** Prohibited.

- **Dry Cooling Required:** All heat rejection must be dry cooling.

4.11 On-Site Renewable Energy Requirement

- **Mandate:** RE ($\geq 30\%$) must be physically located on the same parcel or contiguous property.
- **Prohibited:** Virtual PPAs, Unbundled RECs, Remote Offsets.
- **Accounting:** Location-Based Method required. Higher of Location/Market totals used for fees.
- **Exceptions:** Variance granted only for geographic constraints, local grid delivery, and direct community benefit.
- **Penalty:** \$10,000/day for non-compliance; bond forfeiture; potential permit revocation after 180 days.

ARTICLE 5: ENVIRONMENTAL PROVISIONS

5.1 High-Energy-Use Environmental Safeguards

- **Water Conservation:** $\geq 30\%$ reduction vs. baseline.
- **Heat Island:** 30% cool-pavement/vegetated roofing.
- **Stormwater:** Capture 100% of first inch of rainfall.
- **Habitat:** No siting within 300 ft of wetlands/stream.
- **Abandonment:** 125% Restoration Bond; 180-day start / 365-day completion timeline.
- **PUE:** Annual reporting; benchmark ≤ 1.2 .
- **Phase-Specific Compliance:** Environmental safeguards must be met for **each phase** before the next phase may commence.
- **Chemical Discharge Control:** All chemically treated water discharge must comply with § 5.1-F.

5.1-F Chemically Treated Water Discharge

a. **Chemical Inventory:** Applicants must submit a full inventory of all water treatment chemicals (biocides, corrosion inhibitors, scale inhibitors, cleaning agents) with Safety Data Sheets (SDS) prior to operation.

b. **Discharge Limits:** Discharge of chemically treated water (blowdown) into the municipal sewer or onto land must not exceed limits set by the Township's Sanitary Sewer Use Ordinance or EGLE NPDES permits.

c. **Prohibited Substances:** Discharge containing **free chlorine > 0.5 ppm, bromine > 0.2 ppm, or heavy metals (zinc, copper, molybdate) above EGLE limits** is prohibited.

d. **Treatment Requirement:** All chemically treated water must be neutralized or treated to remove hazardous constituents before discharge.

e. **Monitoring: Quarterly testing** of discharge water for pH, Total Dissolved Solids (TDS), and specific chemical constituents (biocides, heavy metals) is required. Results must be submitted to the Township within 15 days of testing.

f. **Violation:** Failure to comply with discharge limits constitutes an immediate environmental emergency violation.

5.2 Construction Phase Groundwater & Well Protection

- **Baseline:** Survey all wells within 2-mile radius; independent hydrogeologist hired by applicant.
- **Limits:** No drawdown >2 ft or yield reduction >10%.
- **Restitution:** Pay full cost of well repair/replacement; compensate for property value loss.
- **Bond:** 150% of estimated cost of deepest well replacement.
- **Recovery:** Return groundwater levels to within 50% of pre-construction baselines within 3 months; Complete recovery to pre-construction baselines within 12 months.
- **Feasibility Clause:** If an independent hydrogeologist determines the 3-month target is scientifically unachievable due to local geology, the Township may extend the timeline to a reasonable period based on expert testimony.
- **Phase-Specific Baseline:** Baseline monitoring required before EACH phase begins.
- **State Law Supremacy:** Compliance with EGLE permits is a prerequisite. This ordinance adds local monitoring/restitution obligations.

5.3 Climate Accountability & Risk Disclosure

- **Greenhouse Gas Reporting:** Scope 1 & 2 Greenhouse Gas (GHG) Emissions (in accordance with the GHG Protocol) for all facilities on the parcels. Scope 3 encouraged.
- **Assurance:** Limited (Years 1) to Reasonable (Year 2+) by independent provider.
- **Climate Risk Reporting:** TCFD-aligned disclosure of climate risks with facility-level risk mitigation plan (reported every two years).
- **Cost Recovery:** Applicant pays for "verification of verifier."

5.4 Local Environmental Mitigation Impact Fee

- **Calculation:** (Total Verified MTCO_{2e}) × (Carbon Benchmark Price).
- **Use:** Local Impact Zone (5-mile radius) for utility credits, microgrids, tree canopy.
- **Exclusions:** Unbundled RECs/VPPAs do not reduce fee.
- **Peaker Penalty:** 200% fee rate for emissions from peaker plants activated by facility demand.

5.5 Water Security Escrow

- **Deposit:** \$250,000 minimum.
- **Purpose:** Emergency water supply and independent investigation if developer fails to act within 24 hours.

5.6 Electronic Waste (E-Waste) Management Plan

- **Tracking:** Live inventory of IT equipment.
- **Disposal:** R2v3 or e-Stewards certified recyclers (or state-registered equivalent).
- **Storage:** Indoor, non-porous floor; 1-year accumulation limit.
- **Data Security:** NIST SP 800-88 sanitization; Certificates of Destruction.
- **Fluids:** Lab testing of coolants; closed-loop preference.

ARTICLE 6: DEVELOPMENT PROCEDURES

6.1 HEID Review Process

1. **Filing:** Receive Application Package.
2. **Panel:** Convene Review Panel (Engineer, Energy Specialist, Environmental Health & Safety Specialist, Fire Marshal, Acoustical, Lighting, Cyber, Independent Consultant, Citizen).
3. **Evaluation:** 60-day review of all studies and bonds.
4. **Determination:** Issue Letter of Determination (Approved/Conditional/Denied) within 90 days.
5. **Conditions:** Specify upgrades, bonds, milestones, tech requirements, and **phased construction schedule**.
6. **Phase Advancement Review: No subsequent phase may be approved until the Township issues a Certificate of Completion for the prior phase.**
7. **Appeal:** Denials appealable to ZBA within 30 days.
8. **Monitoring:** Building Official monitors compliance.

6.2 Independent Verification & Expert Review Costs

- **Right:** Township may retain independent experts to verify submissions.
- **Cost:** Applicant pays all costs (prevailing market rates).
- **Mechanism:** Escrow deposit required prior to review. Failure to replenish suspends review.
- **Scope:** Full access to data/models; findings binding unless appealed.
- **Phase-Specific Verification: Independent verification required for each phase before Certificate of Completion is issued.**
- **Chemical Verification: Township may retain an independent water quality expert to verify discharge compliance.**

ARTICLE 6.5: FINANCIAL ASSURANCE & BONDS

6.5-A General Performance Bonds

- **General:** 10% of total utility/stormwater upgrade cost.
- **Electrical:** 100% of electrical upgrade cost.
- **Water/Sewer:** 100% of water/sewer upgrade cost.
- **Job Density:** 10% of estimated economic impact.
- **SCRM:** 5% of equipment cost.
- **SOFC/Advanced Tech:** 25% of stack/component replacement cost.
- **Decommissioning:** 125% of independent restoration estimate.
- **Phase-Specific Bonds: Bonds may be posted per phase rather than total project, provided total coverage equals 100% of projected costs.**

6.5-B Environmental & Impact Bonds

- **Groundwater:** 150% of estimated well replacement cost (2-mile radius).
- **E-Waste:** 150% of estimated remediation cost.
- **Water Security Escrow:** \$250,000 minimum.
- **Carbon Fee Escrow:** For verification/fee collection costs.
- **Chemical Discharge Bond: Additional bond of \$50,000 (or 10% of estimated remediation cost) to cover potential chemical contamination cleanup.**

6.5-C Release Conditions Bonds released only after:

1. Utility upgrades complete **for the specific phase.**
2. RE Plan Approved **for the specific phase.**
3. Final inspection passed **for the specific phase.**
4. Job density verified **for the specific phase.**
5. SCRM confirmed **for the specific phase.**
6. APGA/SOFC satisfied **for the specific phase.**
7. Decommissioning plan approved **for the specific phase.**
8. Groundwater recovery verified **for the specific phase.**
9. Certificate of Completion issued for the specific phase. **10. Chemical Discharge Compliance verified for the specific phase.**

6.5-D Forfeiture & Adjustments

- **Forfeiture:** If conditions not met within 180 days, bond forfeited.
- **Adjustments:** Planning Commission may increase bonds if costs rise.
- **Phase Failure: Failure to complete Phase 1 within the approved timeline results in automatic forfeiture of Phase 2 approval and associated bonds.**
- **Chemical Violation: Forfeiture of Chemical Discharge Bond if contamination occurs.**

ARTICLE 7: ADMINISTRATION, APPEALS & ENFORCEMENT

7.1 Penalties & Enforcement

A. Administrative Violations (5-Day Cure)

- Late filings, minor reporting errors, bond adjustments.
- Fine: \$1,000/day (after 5-day cure).

B. Operational Violations (Immediate Fine)

- Noise/Light exceedance: \$5,000/violation.
- Generator abuse (outside limits): \$5,500/violation.
- Wet cooling operation: \$5,000/day.
- On-Site Renewable failure: \$10,000/day.
- Supply Chain/APGA non-compliance: \$5,000/day.
- **Unauthorized Phase Advancement: Commencing construction of a subsequent phase without a Certificate of Completion for the prior phase: \$5,000/day per day of unauthorized work.**

C. Environmental Emergencies (Immediate Fine + Bond)

- Groundwater impact: 150% of remediation cost per well/day (Min \$10k, Max \$500k total).
- PFAS exceedance: \$25,000/day per exceedance.
- Hazardous material storage: \$10,000/day.
- E-Waste violation: \$15,000/day per violation.
- GHG reporting failure: \$10,000/day per scope.
- **Chemical Discharge Violation: Discharge of prohibited chemicals or failure to meet discharge limits: \$25,000/day per violation.**

D. Financial Defaults

- Carbon Fee non-payment: \$5,000/day + interest.
- Bond forfeiture: Full bond amount.

E. Cumulative Fines & Daily Cap

- Total fines for all violations shall not exceed **\$500,000 per day**.
- Fines for multiple violations are cumulative up to the cap.

F. Repeat Offenders

- 2 violations in one year elevates to Class C misdemeanor (Up to \$5,000 + 90 days jail).

7.2 Reporting, Monitoring & Transparency

A. Publication

- Applications/hearings posted on website/newspaper ≥ 30 days prior.

B. HEID Registry

- Online registry listing: Applicant, site, loads, bonds, job density, SCRM, APGA status, PUE, generator logs, groundwater data, GHG emissions, climate risk disclosure, expert findings, **and Phase Completion Status**.

- **Chemical Discharge Data: Quarterly discharge test results (pH, TDS, biocides, heavy metals) shall be publicly posted.**

C. Quarterly Reporting

- Operators must submit: Electricity, GHG, water, waste (incl. PFAS), noise, lighting, employment, SCRM, SOFC, PUE, generator hours, emergency activations, groundwater levels, **and Phase Progress Reports.**
- **Chemical Discharge Report: Quarterly water quality test results for all discharge points.**

D. Community Outreach

- Public info session required for HEIDs >5 MW.

7.3 Zoning Board of Appeals (SLU Provisions)

- **Standards-Based Approval:** Shall be approved if compliant with standards (MCL 125.3504(3)).
- **Required Findings:** District eligibility, completeness, noise/light/cooling compliance, hazardous controls, public services, permits, decommissioning, groundwater protection.
- **Conditions:** Must be impact-related and proportional.
- **Phasing Appeals: Developers may appeal denial of a Phase Certificate of Completion to the ZBA within 30 days.**
- **Chemical Discharge Appeals: Developers may appeal denial of discharge compliance or imposition of fines to the ZBA within 30 days.**

ARTICLE 8: GENERAL PROVISIONS

8.1 Severability If any provision is held invalid (including preemption by state/federal law), the remainder shall continue in full force. The Township may amend severed provisions to comply with law.

8.2 Existing HEID Facilities (Non-Conforming Use)

- Facilities operating prior to effective date may continue as lawful non-conforming uses.
- Must register within 180 days.
- Status terminates if: Operations cease >180 days; structural mod >50%; expansion >25%.
- Termination requires compliance or decommissioning.

8.3 Administrative Record

- All decisions supported by written record (staff recs, expert testimony, hearing transcripts, findings).
- Record maintained for 10 years.

8.4 Burden of Proof

- **Applicant:** Compliance by preponderance of evidence.
- **Township:** Non-compliance by substantial evidence; Violations by clear and convincing evidence.

8.5 Rational Basis for Classification

- Classifications based on objective criteria (MW, water, footprint) serving legitimate interests (infrastructure, quality of life, environment).

8.6 Reasonable Economic Use (Takings Clause)

- Regulations shall not deprive all economic viability.
- Variances available for unique hardship.

8.7 State and Federal Law Compliance (Preemption)

- Interpreted consistently with MCL 125.3001 et seq.
- State/Federal law controls if preempted.
- Township Attorney to review for preemption conflicts.

8.8 Variance Procedures

- ZBA may grant variances for unique hardship, not self-created, minimum necessary, no public welfare impairment.
- Decision within 60 days.
- **Phasing Variances:** Variances from phasing timelines or acreage limits may be granted if unique physical circumstances prevent compliance.
- **Chemical Discharge Variances:** Variances from chemical discharge limits may be granted only if the applicant demonstrates that no feasible alternative treatment exists and that the discharge poses no threat to public health or the environment.

8.9 Judicial Review Standard

- Rational basis test. Findings presumed correct unless clearly erroneous.
- Challenges filed within 30 days.

8.10 Enhanced Notice Requirements

- Notice to owners within 1,000 ft; adjacent municipalities (5 mi); utilities/emergency services.
- Certified mail \geq 60 days prior.

8.11 Conflict of Interest

- Disclosure of financial/personal interests required. Recusal mandatory.

8.12 Ordinance Review The Planning Commission shall review this Ordinance every three years to assess: a. Effectiveness in achieving stated goals. b. Economic impact on development and employment. c. Infrastructure capacity and strain. d. Changes in technology or industry standards. e. Effectiveness of the phased development provisions. f. **Effectiveness of chemical discharge controls and water quality monitoring.** Amendments may be proposed based on review findings.

8.13 Repealer Any provision of any existing ordinance of Washington Township that is in conflict with the provisions of this Ordinance is hereby repealed to the extent of such conflict. In the event of any conflict between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control regarding High-Energy Intensive Developments. This repeal shall not affect any pending application, ongoing proceeding, or existing liability accrued prior to the effective date of this Ordinance.

INTEGRATION & CROSS-REFERENCE GUIDE

Current Ordinance Location	Insert / Replace With	Notes
§ 2.2 (Definitions)	Add §§ 2.1 -- 2.32 (New definitions).	Added "Chemically Treated Water Discharge" (§2.31) and "Blowdown" (§2.32). Added "Chemical Discharge Plan" to §2.16(k).
§ 4.38 (Special Land Uses)	Append "(HEID -- see § 4.1)".	Cross-reference added.
New § 4.1 -- 4.11	Insert after last existing § 4.69.	Contains all Use Standards. Added §4.1-B (Phased Authority) and §4.2-17 (Chemical Plan).
§ 4.70-L (Old)	Replaced by § 4.10 & § 4.11.	Restructured for flow.
§ 5.13 (Environmental)	Add new § 5.1 -- 5.6.	Consolidated environmental provisions. Added §5.1-F (Chemical Discharge).
§ 6.4 (Review)	Replace with § 6.1 & § 6.2.	Streamlined procedure. Added Phase Advancement Review and Chemical Verification steps.
New Article 6.5	Insert New Article 6.5.	Consolidated all bonds/escrows. Added Chemical Discharge Bond (§6.5-B) and Release Conditions.
§ 7.11 (Penalties)	Replace with § 7.1.	Categorized by severity. Added "Chemical Discharge Violation".
New § 7.2	Insert New § 7.2.	Consolidated reporting/registry. Added Chemical Discharge Data and Reports.
New Article 8	Insert New Article 8.	Moved Severability, Variances, Repealer. Added Phasing and Chemical Variances.

Current Ordinance Location	Insert / Replace With	Notes
§ 7.9 (ZBA)	Updated to § 7.3.	Aligned with new structure. Added Phasing and Chemical Discharge Appeals.
Existing Ordinances	New § 8.13 (Repealer).	Repeals conflicting provisions.

EXHIBITS

Exhibit A -- HEID Review Checklist

Item	Document Required	Reviewer
Electrical Load & Upgrade Cost	Detailed Electrical Impact Report (§ 4.2-2)	Township Engineer & Utility Liaison
Water Demand & Sewer Capacity	Water-Use Impact Study (§ 4.2-4)	Sanitary Engineer / Health Dept.
Noise Prediction	Noise-Impact Assessment (§ 4.2-5)	Acoustical Engineer
Light-Pollution Control	Lighting-Control Plan (§ 4.2-6)	Lighting Specialist
Renewable-Energy Offset	Proof of REO (§ 2.3)	Energy Specialist
Performance Bonds	Electrical, Water, Job Density, SCRM, Advanced Tech, Decommissioning, Groundwater, Water Security, Carbon Fee, E-Waste, Chemical Discharge Bonds (§ 6.5)	Treasurer's Office
Mitigation & Storm-Water Plan	MP (§ 5.1)	Engineer
Cumulative Energy Load Analysis	CEL calculation (§ 4.5)	Planning Engineer
Job Density Compliance	Job Density Compliance Plan (§ 4.7)	Planning Commission
Supply Chain Risk Management	SCRM Plan (§ 4.8)	Cybersecurity Specialist & Township Engineer
Alternative Power Generation Analysis	APGA (§ 4.9)	Independent Energy Consultant & Township Engineer
Power Generation & Cooling Standards	Compliance with § 4.10 (Hydrocarbon/Cooling)	Township Engineer & Fire Marshal
Siting & Setbacks	Siting Compliance Plan (§ 4.6)	Planning Commission

Item	Document Required	Reviewer
Waste-Management Plan	Waste-Management Plan (§ 2.9)	Environmental Consultant
PUE Disclosure	PUE Calculation & Benchmark Plan (§ 5.1)	Energy Specialist
Generator Run-Hour Tracking	Generator Log & Testing Schedule (§ 4.10)	Fire Marshal
Groundwater Impact Study	Dewatering Plan & Baseline Monitoring (§ 5.2)	Licensed Hydrogeologist
GHG Emissions Reporting	GHG Reporting Plan (§ 5.3)	Environmental Consultant
Carbon Impact Fee Calculation	Carbon Fee Documentation (§ 5.4)	Treasurer's Office
E-Waste Management Plan	EWMP (§ 5.6)	Environmental Consultant
On-Site Renewable Energy Plan	Renewable Energy Plan (§ 4.11)	Energy Specialist
Emergency Activation Logging	Emergency Notification & Run-Hour Logs (§ 4.10)	Building Official
Public Notice & Registry Entry	Draft notice & online entry	Planning Dept.
Phased Construction Plan	Phased Construction Plan (§ 4.2-16)	Planning Commission
Phase 1 Certificate of Completion	Verification of Phase 1 compliance before Phase 2 approval	Building Official & Planning Commission
Chemical Discharge Management Plan (CDMP)	CDMP with SDS, discharge limits, and treatment methods (§ 4.2-17)	Sanitary Engineer & Environmental Consultant
Chemical Discharge Compliance	Quarterly test results and verification of compliance (§ 5.1-F)	Independent Water Quality Expert

The Planning Commission shall sign off on the checklist before issuing a Letter of Determination.

EFFECTIVE DATE & ADOPTION PROCEDURE

This amendment shall take effect [X] days after adoption and apply to all new HEID applications filed after that date.

Implementation Timeline

Step	Action	Target Date
1	Draft and adopt amendment language (this document)	30 days after council vote
2	Update Township website, forms, and public-notice templates	60 days post-adoption
3	Conduct training for Planning Commission, Building Official, and Utility Liaisons	90 days post-adoption
4	Begin accepting HEID applications	120 days post-adoption
5	Publish first HEID Registry entry (if any)	150 days post-adoption

CONCLUSION

The foregoing amendment creates a coherent, enforceable set of rules that:

1. Identify high-energy-intensive developments with clear size classes and disclosure requirements.
2. Require rigorous energy-impact analysis, utility-capacity verification, and renewable-energy offsets.
3. Secure financial guarantees to fund required infrastructure upgrades.
4. Mandate minimum job density (10 jobs per MW) to ensure local economic benefits.
5. Require Supply Chain Risk Management (SCRM) plans to prevent facility abandonment due to hardware shortages or vendor failures.
6. Require Alternative Power Generation Analysis (APGA) including evaluation of latest energy technologies (SOFC, hydrogen, advanced nuclear, etc.) by qualified energy consultants and engineers before permit approval.
7. Prohibit wet/evaporative cooling and continuous hydrocarbon generation.
8. Include comprehensive infrasound protections (1-20 Hz, dB(G) measurement).
9. Address disposal, abandonment, high/low-frequency noise, and light-pollution concerns.
10. Include MCL 125.3504(3) standards-based approval rule for Special Land Uses.
11. Include legal defensibility enhancements to withstand judicial scrutiny (Severability, Preemption, Takings safeguards).
12. Preserve the health, safety, environmental quality, and character of Washington Township for current and future residents.
13. Protect residents during construction phase with groundwater monitoring, dewatering limits, and restitution protocols (§ 5.2).
14. Require applicant-funded independent expert verification to ensure technical accuracy (§ 6.2).
15. Establish strict emergency generator controls with notification, caps, and community remedies (§ 4.10).
16. Implement on-site renewable energy requirements to prevent remote REC/VPPA loopholes (§ 4.11).
17. Establish climate accountability through GHG reporting and Local Environmental Mitigation Impact Fee (§ 5.3, § 5.4).

18. Mandate e-waste management with NIST SP 800-88 data destruction standards (§ 5.6).
19. Authorize phased development to verify infrastructure and environmental compliance before expanding site footprint (§ 4.1-B).
20. **Establish strict controls on chemically treated water discharge, including prohibited substances, mandatory treatment, and quarterly monitoring (§ 5.1-F).**
21. Repeal conflicting provisions to ensure legal clarity and uniformity (§ 8.13).

Adoption of this amendment will place Washington Township on a solid legal footing to manage the growing demand for data-center-type facilities while safeguarding community interests, protecting local water infrastructure, and ensuring thorough evaluation of emerging clean energy technologies.

APPENDIX A: KEY LEGAL PRECEDENTS

Case	Citation	Relevance
Village of Euclid v. Ambler Realty Co.	272 U.S. 365 (1926)	Police power authority for zoning regulations.
Nollan v. California Coastal Commission	483 U.S. 825 (1987)	Rational nexus requirement for exactions.
Dolan v. City of Tigard	512 U.S. 374 (1994)	Rough proportionality test for development conditions.
Penn Central Transportation Co. v. New York City	438 U.S. 104 (1978)	Regulatory takings analysis framework.
MCL 125.3504(3)	Michigan Zoning Enabling Act	Standards-based approval rule ("shall be approved if compliant").

APPENDIX B: SUMMARY STATISTICS

Category	Count
Existing Sections Modified	6
New Substantive Sections	13 (Added Phased Development Authority & Chemical Discharge Control)
Legal Defensibility Sections	13
Total New Sections Added	26
Total Document Sections	33 (including Implementation Timeline)