

MEMORANDUM

To: Howell Township
From: Applicants Listed in Rezoning Request
Date: October 23, 2025
Re: Second Amended Offered Condition of Rezoning

The Applicant submits this second amendment to its offered conditions of the proposed rezoning, which may be recorded by Howell Township with the Livingston County Register of Deeds, and shall run with the land, and be binding upon all successors.¹

I. Voluntarily Offered Conditions of Rezoning

Applicant acknowledges that the RT Zoning District allows for a wide range of developments that, without appropriate conditions in place, may not be harmonious with the surrounding area. Accordingly, Applicant voluntarily offers the following use and development restrictions as a condition to the rezoning of the Property. The following conditions are offered pursuant to Section 23.03 of the Zoning Ordinance and MCL 125.3405.

1. Offered Use Restriction

Applicant offers to restrict the future use of the Property to Data Processing, as the term is defined below.

Data Processing. A facility or facilities used to house, and in which are operated, maintained and replaced from time to time, computer systems and associated components, including but not limited to telecommunications and storage systems, cooling systems, power supplies and systems for managing property performance (including generators and mechanical and electrical yards), and equipment used for the transformation, transmission, distribution and management of electricity (including private substations), internet-related equipment, data communications connections, private communication towers, environmental controls and security devices, structures and site features, as well as certain accessory uses, buildings or structures located on the same lot such as utility buildings, offices, warehousing, cafeteria, guardhouses, diesel storage tanks, water storage tanks, security fencing, and other similar structures, improvements and appurtenances.

¹ All capitalized terms shall be given the definition ascribed to them in original rezoning and text amendment Application materials submitted on September 3, 2025. Applicant hereby incorporates all exhibits to the Application into this amendment of the voluntarily offered conditions of rezoning.

2. Amended Offered Development Restrictions

In addition to the use restriction described above, Applicant offers the following conditions to site design and development for the proposed Data Processing Facility:

- ***Increased Setbacks:***

- Outer Boundary Building Setbacks for Northern Development Site (all parcels north of Grand River, as listed on **Exhibit A**)
 - As shown on attached plan (**Exhibit C**), **the entire Northern Development Site will utilize building setbacks of at least 400'**.
 - This results in a total building setback area of 245.7 acres on the Northern Development Site.
 - NOTE: The specific location and design of essential public service infrastructure are outside of the developer's control and may be located within the offered setbacks.
- Outer Boundary Building Setbacks for Southern Development Site (all parcels south of Grand River, as listed on **Exhibit B**)
 - As shown on the attached plan (Ex. C), if the Southern Development Site is developed in the future, **the future development would utilize a minimum of 400' building setbacks for the entire boundary**, with the exception of the following:
 - The southern boundary at the Conservation Area will have setbacks of at least 50' (**creating a total of 550' setback from Warner Road when including the Conservation Area**).
 - The western boundary of the Southern Development Site, which shall have a **setback of at least 100' from the adjoining properties, and at least 1,000' from existing neighboring residences** to the West.
 - This results in a **total building setback area of 232.1 acres** on the Southern Development Site.
 - NOTE: The specific location and design of essential public service infrastructure are outside of the developer's control and may be located within the offered setbacks.

- ***Additional Restrictions on Southern Development Site:***

- Following receipt of all required Township approvals for the proposed Data Processing Facility on the Northern Development Site, **the Applicant will convey to a public partner or Howell-area nonprofit partner the area of land within the 500' setback from Warner Road, which is approximately 121 acres in size, and which is shaded along on southern border of the Southern Development Site on Exhibit C (the "Conservation Area")**. The Conservation Area shall be used by the public partner or local nonprofit partner, at the public partner's sole discretion, as either: (a) permanent conservation area with restrictions against all future development; (b) park/public open space; or (c) agricultural preservation. This will create a permanent 550' minimum buffer between the residences on Warner Road and any future development on the Southern Development Site.
- **Applicant will convey parcel no. 05-12-400-026 which is shaded in pink on the attached plan to Livingston County or a Livingston County nonprofit for a public use** to be determined by the County.
- **Applicant will restrict all use on the Southern Development Site to only those uses which are permitted in the AR zoning district for four (4) years** immediately following receipt of all Township approvals for the proposed Data Processing Facility on the Northern Development Site.

- ***Landscape Buffering:***

- To provide additional screening and site beautification, the project will install and maintain a landscaped berm within the setback areas, as shown in green on the attached plan. **The landscape buffer area will be at least 40' in width (double code minimum)** and maintained with trees or shrubs pursuant to a landscape plan that will be approved by the Township.

- ***Lot Coverage:***

- The Data Processing Facility will be developed such that impervious surfaces shall cover only **50% or less of the Northern Development Site**, and only **50% or less of the Southern Development Site**.

- ***Sound Mitigation:***

Once operational, **the Data Processing Facility shall not generate a maximum sound in excess of 55 average hourly decibels as modeled at the property line of the nearest dwelling located on an adjacent residential property**. The Data Processing Facility will implement tailored sound mitigation strategies such as site layout modifications, quieter equipment selection, operational adjustments, tree planting, and equipment orientation.

- **Lighting:**

The Data Processing Facility will utilize site lighting with cutoff fixtures that is designed to minimize disturbance, with all lighting directed downward and shielded to prevent glare.

- **Water:**

- The Data Processing Facility shall not overburden local water resources and shall coordinate all water usage with the governing water resource authority(ies). To proactively prevent any adverse effects to adjacent residential water wells, an independent aquifer analysis, field drawdown tests, and monitoring wells will be implemented to ensure the protection of surrounding water wells. **If wells on any residential properties run dry as a result of the Data Processing Facility's water usage, the Data Processing Facility would cover all costs associated with fixing the impacted wells.**
- The Data Processing Facility shall commit to minimizing water usage through water efficient cooling systems, and will support Marion-Howell-Oceola-Geona Water Authority (MHOG) commissioning an independent aquifer study (discussed in the bullet below) which establishes to the reasonable satisfaction of MHOG and the independent firm that there is sufficient and adequate water supply for the approved cooling methodology. The utilized technology will also fit into the available Howell Township capacity allocation within MHOG for this land use.
- In coordination with MHOG the Data Processing Facility shall, at its sole cost and expense, engage an independent qualified water resource professional or team to conduct a comprehensive aquifer and water resource impact study evaluating existing groundwater conditions, aquifer recharge rates, current water usage levels, and anticipated demand of the proposed project, to determine the project water use and any potential impacts on local water resources or neighboring wells. In addition, the Data Processing Facility will also, at its sole cost and expense, engage an independent qualified water resource professional or team to conduct a comprehensive distribution system impact determination to determine the scope of any needed distribution system improvement(s) necessary to serve the development and without negatively impacting the existing MHOG Distribution System.
- With respect to all water usage, the developer shall coordinate and comply with all applicable environmental agencies pursuant to all applicable county, state, and federal laws and regulations.
- The developer will coordinate with the Livingston County Drain Commissioner to address any impacted drains, and shall bear the cost of any required work related to improving any impacted drains.
- Data Processing Facility will implement water efficiency and sustainability practices measures including, at a minimum, recycling water through cooling

systems before discharge, landscaping with native vegetation to reduce irrigation needs, capturing and infiltrating rainwater on site (when practical), and generally incorporating water-saving fixtures and technologies.

- ***Reimbursement of Expenses:***

- The developer will pay for, or reimburse the Township for, all infrastructure costs necessary to support development of the Data Processing Facility, including roadway, water, sewer/wastewater, fiber, police, fire, emergency response, and electrical infrastructure.