

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION 2026-21

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, CONSTRUCTION, EXPANSION, OR APPROVAL OF MAJOR ELECTRIC UTILITY INFRASTRUCTURE WITHIN THE CHARTER TOWNSHIP OF YPSILANTI

The Charter Township of Ypsilanti hereby finds and determines as follows:

Section 1. Purpose and Findings

WHEREAS, The Charter Township of Ypsilanti has the responsibility to protect the public health, safety, and welfare and to provide for the orderly use and development of land within the Township consistent with applicable state and federal law and,

WHEREAS, The Township's Master Plan and Zoning Ordinance seek to promote orderly development, protect residential neighborhoods and environmentally sensitive lands, minimize unreasonable burdens upon public facilities and services, protect natural resources, and ensure compatibility among land uses, and,

WHEREAS, The Township Zoning Ordinance presently defines and regulates certain **"Essential Services"** provided by public utilities, including electrical transmission and distribution systems, however, the Township's existing regulations do not comprehensively address the land-use impacts associated with the construction or substantial expansion of modern

high-capacity electrical substations, switching stations, transformer yards, transmission facilities, and related major electrical infrastructure and,

WHEREAS, The nature and scale of electrical infrastructure necessary to serve new high-energy-demand land uses are changing rapidly, including infrastructure associated, but not limited to hyper-scale data centers, mid-sized data centers, artificial intelligence computing facilities, and high-performance computational centers, industrial facilities, and other intensive electrical users and,

WHEREAS, The Township has previously recognized through its planning and zoning actions that major electric utility facilities may require substantial electrical infrastructure, including but not limited to substations, generators, batteries, transmission improvements, and other electrical support facilities; and,

WHEREAS, Major electric utility facilities may have significant land-use impacts that differ substantially from routine electrical distribution facilities serving homes and businesses, including impacts related to location, land consumption, setbacks, screening, noise, lighting, visual character, stormwater, natural resources, emergency access, proximity to residential neighborhoods and public open spaces, construction activity, resource consumption, utility rates, and compatibility with existing and planned development; and,

WHEREAS, The establishment or substantial expansion of such facilities before the Township has had a reasonable opportunity to study these issues

could result in development patterns or impacts that are difficult or impossible to remedy after construction; and,

WHEREAS, The Township Board therefore determines that a temporary and narrowly tailored moratorium is necessary to allow the Township Planning Commission, Township staff, consultants, engineers, and legal counsel sufficient time to study Major Electric Utility Facilities and determine whether amendments to the Township's Master Plan, Zoning Ordinance, engineering standards, or other applicable regulations are necessary to protect the public health, safety, and welfare; and,

WHEREAS, This Resolution is intended solely as a temporary land-use measure. It is not intended to regulate electric utility rates, service territories, electric reliability standards, the generation or sale of electricity, or any matter within the exclusive jurisdiction of the Michigan Public Service Commission, Federal Energy Regulatory Commission, or other state or federal agency; and,

WHEREAS, Nothing in this Resolution is intended to prohibit routine maintenance, replacement, repair, emergency restoration, ordinary customer connections, or improvements reasonably necessary to maintain safe and reliable electrical service to existing residents and businesses.

Section 2. Definitions

For purposes of this Resolution:

Electric Utility means any person, corporation, municipal utility, cooperative, public utility, electric utility, transmission company, affiliated transmission company, independent transmission company, or other entity engaged in the generation, transmission, or distribution of electric energy, including but not limited to entities such as DTE Electric Company, ITC Transmission, Michigan Electric Transmission Company, LLC, and their successors or affiliates.

Major Electric Utility Facility means any of the following:

- A. A new electrical substation, switching station, switchyard, transformer station, transformer yard, or comparable facility designed to transform, switch, regulate, control, or transmit electric power, including both as a principal use or an accessory use;
- B. The physical expansion of an existing electrical substation, switching station, switchyard, transformer station, or transformer yard, including an increase in the fenced or developed area of the facility, installation of additional major power transformers, or installation of additional transmission-level switching or bus equipment including both as a principal use or an accessory use;

- C. A new overhead electric transmission line or transmission corridor;
- D. A substantial expansion of an existing transmission corridor involving additional transmission circuits, new transmission towers or structures, or acquisition or establishment of materially expanded rights-of-way; or
- E. Buildings, access roads, control facilities, stormwater improvements, or other structures principally accessory to a facility described above.

Routine Utility Work means maintenance, repair, replacement, reconstruction, customer connections, distribution-system improvements, vegetation management, emergency restoration, or similar work that does not constitute the establishment or substantial expansion of a Major Electric Utility Facility.

Section 3. Temporary Moratorium

During the effective period of this Resolution, no Major Electric Utility Facility shall be established, constructed, or substantially expanded within the Charter Township of Ypsilanti when such activity requires zoning, land-use, site-plan, special-land-use, variance, grading, engineering, right-of-way, or other approval from the Township.

During the moratorium:

- A. No Township department, officer, employee, commission, board, or other body shall grant final zoning or land-use approval for the establishment or substantial expansion of a Major Electric Utility Facility.
- B. Applications for a Major Electric Utility Facility may be received for administrative purposes if required by law, but no final Township land-use approval shall be granted during the moratorium.
- C. The moratorium shall apply to applications pending on the effective date of this Resolution that have not received all required final Township approvals, except to the extent an applicant has acquired vested rights recognized under Michigan law.
- D. No applicant shall obtain vested rights solely by filing an application during the effective period of this moratorium.

Section 4. Exemptions**This moratorium shall not apply to:**

- A. Emergency repairs or work reasonably necessary to restore electrical service following storms, accidents, equipment failures, natural disasters, or other emergencies;
- B. Routine maintenance and ordinary repair of existing utility facilities;

- C. Replacement of existing poles, wires, transformers, conductors, structures, or equipment with substantially similar facilities within an existing utility corridor or developed utility site;
- D. Ordinary electric distribution improvements and customer service connections that do not involve construction or substantial expansion of a Major Electric Utility Facility;
- E. Work demonstrated to the Township to be immediately necessary to correct an unsafe condition or prevent a substantial and imminent threat to electric reliability or public safety;
- F. Projects that received all required final Township land-use approvals before the effective date of this Resolution and for which those approvals remain valid;
- G. Activities for which legally vested rights existed before the effective date of this Resolution; or
- H. Any facility, project, approval, or activity to the extent that application of this Resolution is expressly preempted by state or federal law or by a valid order, certificate, or authorization of an agency having controlling jurisdiction.

Section 5. State and Federal Jurisdiction

This Resolution shall be interpreted and administered consistent with the Michigan Zoning Enabling Act, the Electric Transmission Line Certification Act, applicable provisions of the Michigan Public Service Commission's enabling statutes, the Michigan Constitution, and applicable federal law.

Nothing contained herein shall be interpreted as attempting to supersede or interfere with a Certificate of Public Convenience and Necessity or other state or federal authorization having preemptive effect.

The Township expressly reserves all authority not preempted by state or federal law, including its authority over land use, zoning, Township property, Township rights-of-way, and other matters of local concern to the fullest extent permitted by law.

Section 6. Planning and Regulatory Study

During the moratorium, the Township Planning Commission and Township staff, in consultation with the Township Attorney, Township Engineer, planning consultant, and other qualified professionals as appropriate, shall study the appropriate regulation of Major Electric Utility Facilities.

The study should consider, as applicable:

1. Appropriate zoning districts and locations for Major Electric Utility Facilities;
2. Minimum setbacks from residential uses, property lines, parks, schools, environmentally sensitive areas, and other potentially incompatible uses;
3. Screening, landscaping, fencing, and buffering;
4. Noise and vibration;
5. Exterior lighting;
6. Height and visual impacts of transmission structures and utility equipment;
7. Stormwater management and impervious-surface impacts;
8. Wetlands, woodlands, floodplains, watercourses, and other natural resources;
9. Emergency access, fire protection, and public-safety considerations;
10. Construction traffic and impacts upon public roads;
11. Coordination between major electric infrastructure and the development generating the electrical demand;
12. Expansion of existing utility sites;
13. Site-plan and special-land-use review procedures;
14. Standards distinguishing routine utility work from major infrastructure development;

15. Coordination with the Michigan Public Service Commission and other governmental agencies having jurisdiction; and
16. Such other matters as the Planning Commission and Township Board determine relevant to protecting the public health, safety, and welfare.

The Planning Commission shall make recommendations to the Township Board concerning any appropriate amendments to the Township Zoning Ordinance, Master Plan, engineering standards, or other Township regulations.

Section 7. Limited Administrative Exception

Upon written documentation from an Electric Utility establishing that specific work otherwise subject to this moratorium is immediately necessary to remedy an existing condition presenting a substantial threat to public safety or the continuity of electrical service to existing Township customers, the Township Board may authorize the minimum work reasonably necessary to address that condition.

An exception under this Section shall not authorize additional infrastructure principally intended to provide new capacity for a proposed development or new high-demand customer unless the Township is legally required to permit such work.

Section 8. Duration

This Resolution establishing the moratorium herein shall remain in effect for one hundred eighty (180) days following its effective date, unless terminated earlier by action of the Township Board.

The Township Board may terminate the moratorium before its expiration upon determining that appropriate permanent regulations have been adopted or that the moratorium is no longer necessary.

Any extension of this moratorium shall require separate action of the Township Board supported by findings demonstrating the continued need for a temporary moratorium and shall be limited to the shortest period reasonably necessary to complete the Township's review and adoption process.

Section 9. Severability

If any section, subsection, sentence, clause, phrase, definition, or portion of this Resolution is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 10. Conflicting Provisions

For the limited duration of this moratorium, any provision of the Township Code or Zoning Ordinance that would otherwise require the Township to approve a Major Electric Utility Facility inconsistent with this Resolution shall be temporarily superseded to the maximum extent permitted by law.

Nothing in this Section shall supersede state or federal law.

NOW THEREFORE BE IT RESOLVED that the Charter Township of Ypsilanti Resolution 2026-21 is hereby adopted.