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www.oshtemo.org

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON  
AT OSHTEMO TOWNSHIP HALL  
7275 W MAIN STREET**  
Masks Are Optional in Oshtemo Township Buildings

*(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)*

**THURSDAY, SEPTEMBER 14, 2023  
6:00 P.M.**

**AGENDA**

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: August 24, 2023
6. Approval of Minutes: August 29, 2023
7. **Public Hearing – Ordinance – Height Standards for Single-Family and Two-Family Dwellings**  
Consideration to amend Sections 2.20 Definitions, 42.30 Development Standards, and 50.30 Residential Dwelling Standards of the Township Zoning Ordinance in order to adopt height standards for single-family and two-family dwellings, for recommendation to the Township Board.
8. **Public Hearing – Ordinance – Solar Energy Systems**  
Consideration to adopt Article 60 – Solar Energy Systems to permit and regulate Solar Energy Systems in the Township, for recommendation to the Township Board.
9. Other Updates and Business
10. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Cheri Bell	216-5220	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Neil Sikora	760-6769	<a href="mailto:nsikora@oshtemo.org">nsikora@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Kizzy Bradford	375-4260	<a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a>

<b>Township Department Information</b>			
<b><u>Assessor:</u></b>			
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>	
<b><u>Fire Chief:</u></b>			
Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>	
<b><u>Ordinance Enforcement:</u></b>			
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>	
<b><u>Parks Director:</u></b>			
Vanessa Street	216-5233	<a href="mailto:vstreet@oshtemo.org">vstreet@oshtemo.org</a>	
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>	
<b><u>Planning Director:</u></b>			
Iris Lubbert	216-5223	<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>	
<b><u>Public Works Director:</u></b>			
Anna Horner	216-5228	<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>	

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A MEETING HELD AUGUST 24, 2023**

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**Agenda**

**PUBLIC HEARING – CONDITIONAL REZONING – 8447 STADIUM DRIVE**

Midwest V, LLC requested to conditionally rezone 8447 Stadium Drive, from its current split zoning of R-2, Residence and C, Local Business District, to C, Local Business District, to facilitate the development of the vacant parcel for retail store operations.

**PUBLIC HEARING – PUD CONCEPT PLAN – THE HAMPTONS**

Marroll LLC requested approval of a Conceptual Plan for a Residential Planned Unit Development (PUD), located at parcel number 05-14-130-017 and a portion of 6660 W. Main Street.

**PUBLIC HEARING – ORDINANCE – WIRELESS TELECOMMUNICATION FACILITY PROVISIONS**

Consideration to repeal Article 49.80 – Communication Towers of the Township Ordinance and adopt proposed Article 59 - Wireless Telecommunications Facilities.

**WORK SESSION:**

- a. Discussion, Solar Energy Systems Ordinance
- 

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 24, 2023, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

**ALL MEMBERS**

**WERE PRESENT:**

Phil Doorlag, Chair  
Scot Jefferies  
Micki Maxwell, Vice Chair  
Alistair Smith  
Deb Everett  
Zak Ford, Township Board Liaison

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, LeeAnna Harris, Zoning Administrator, Martha Coash, Recording Secretary, Kyle Mucha of McKenna, and 13 members of the public.

### **Call to Order and Pledge of Allegiance**

Chairperson Doorlag called the meeting to order and invited those present to join in the Pledge of Allegiance.

### **Approval of Agenda**

Hearing no requests for change, the Chair asked for a motion to approve the agenda.

Mr. Jefferies **made a motion** to approve the agenda as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

### **Public Comment on Non-Agenda Items**

As there were no comments from the public on non-agenda items, Chairperson Doorlag moved to the next item.

### **Approval of the Minutes of the Meeting of August 10, 2023**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of August 10, 2023.

Hearing none, he asked for a motion.

Mr. Jefferies **made a motion** to approve the Minutes of the Meeting of August 10, 2023 as presented. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item.

### **PUBLIC HEARING – CONDITIONAL REZONING – 8447 STADIUM DRIVE**

**Midwest V, LLC requested to conditionally rezone 8447 Stadium Drive, from its current split zoning of R-2, Residence and C, Local Business District, to C, Local Business District, to facilitate the development of the vacant parcel for retail store operations.**

Mr. Mucha of McKenna presented a review of the request for conditional rezoning from Split Zone R-2, Residential & C, Local Business District to C, Local Business District from Peter Oleszczuk, agent of Midwest V, LLC for parcel number 05-33-403-010 located at 8447 Stadium Drive, consisting of approximately 2.15 acres.

He indicated the applicant proposed the following conditions in conjunction with the rezoning:

1. A 6' board-on-board screening fence provided along the east property line of the development to help buffer the current residential use.
2. Bigger footprint store (12,480 overall square feet) than historically built to allow for expanded options for food and coolers. The property would be developed as a Market Dollar General.
3. Required parking counts would be met with a combination of 34 installed spaces and the remainder of spaces having dedicated banked parking areas to be earmarked for parking and installed as grass.
4. Setbacks were intended to be met based on the required sections of the zoning ordinance.

Mr. Mucha said the applicant indicated the proposed retail operations to be that of a Market Dollar General, a 20+ billion-dollar Fortune 119 Company with over 140,000 employees nationally, more in line with regional retail rather than a low-intensity commercial operation.

He noted other high-intensity commercial uses are currently permitted in the C, Local Business District and the subject site currently permits these higher-intensity commercial uses due to the C, Local Business zoned classification along the northern portion of the parcel.

Therefore, he said McKenna found the proposed conditional rezoning does not align with the intent of the Master Plan as it relates to the rural character preservation strategy, but acknowledged the existing zoning on the subject site would permit a higher-intensity commercial use even if the subject site was not rezoned.

The use of the subject site for a retail establishment, such as retail sale of merchandise would be consistent with the C, Local Business zoning classification of the northern portion of the site. While the applicant proposed to rezone the residential portion of the site to C, Local Business, the future intended use of a retail establishment at 12,480 square feet is not consistent with the general land use patterns of the immediate area.

He indicated reasonable use under the current zoning ordinance is still achievable, even with the split zoning, but noted some development restrictions may be present due to the split zoning: for example, the entire property could not be used for retail.

Mr. Mucha also noted impact on the surrounding properties may be more significant with the proposed 12,480 square foot building than what is currently experienced by the convenience store located to the west and the winery located to the north.

Based on the information provided by the applicant, and the subsequent review conducted, Mr. Mucha said McKenna found the proposed conditional rezoning does not generally align with the Oshtemo Township Master Plan as it pertains to neighborhood

commercial uses. Therefore, and based on the following findings of fact, McKenna recommended a denial of the conditional rezoning request.

1. The property can be reasonably used under its current split zoning of C, Local Business and R-2, Residence. A smaller commercial operation could be permitted to operate on the northern portion of the parcel, subject to compliance with the Township's Zoning Ordinance.
2. The proposed use – 12,480 square foot store – is not supported by the Oshtemo Township Master Plan.
3. A change of the existing zoning boundaries would not be compatible with the existing land uses within the immediate area.
4. Adequate sites across the Township, which are zoned C, Local Business, are available, which would not require a conditional zoning.
5. There have been no apparent changes in conditions in the area that would support an increase in expanding the C, Local Business District.
6. The proposed rezoning would impact the natural characteristics of the area.
7. The proposed rezoning has not identified and immediate need for an increase in the C, Local Business District designation within this area of the Township.

Chairperson Doorlag thanked Mr. Mucha for his presentation and asked if Commissioners had questions. Hearing none, he asked if the applicant wished to speak.

A representative of AR Engineering spoke and addressed the concerns described by Mr. Mucha, saying that he could not find the Township building size requirement, that to the north the zoning is industrial while to the west and east it is commercial, that he does not know the specific location of other commercially zoned property that Mr. Mucha was referencing, that any development would impact natural characteristics, that they would meet buffer and screening requirements, that the E-Z Mart property next store is looking to expand to a building that is approximately 8,000 square feet.

Ms. Everett asked what the typical size is for a Dollar General store.

He indicated 10,600 square feet is typical; this store would be larger to include space for fresh produce and coolers.

Hearing no further questions from Commissioners, the Chair asked if there were any comments from members of the public.

Ms. Joan Hawxhurst, 8400 Stadium Drive, said she has lived on her 18 acre property directly across from the property being proposed for rezoning for 23 years. She thanked Commissioners for the work they do. She felt the proposed store did not sound like it would fit in with the character of the area and also noted traffic concerns. She felt there are great options for the property but this is not one of them.

Mr. John Bert, Stratford Hills on Hathaway Road said he moved to Oshtemo in 2008 and noted the already existing heavy traffic on Stadium Drive, particularly from the west. He chose to live at this location because of the rural nature of the Township. He did not move here to look at a big box store when there is a Hardings store two miles away. He supports the Master Plan and agreed with the McKenna findings to deny the request for rezoning.

Mr. Steve Bertman, 8400 Stadium Drive also appreciates the rural nature of the area and felt the proposed store would be incongruent as well as being in direct competition with the existing neighboring store. He wondered if market research might be done before an approval were given to this type of business.

Hearing no further comments, the Chairperson thanked the speakers, closed the public hearing and moved to Board Deliberations.

Mr. Ford agreed with the consultant's recommendation and believed the current zoning was intentional in order to constrain the size of commercial developments.

Attorney Porter agreed the site's current split zoning was intended to restrict the overall impact of commercial development on the community.

Mr. Ford added the proposed store would go against the rules for rural character.

Ms. Maxwell said in light of the shortage of residential housing in the Township it would not be proper to take away residential zoning for commercial development now.

Mr. Jefferies expressed his concern regarding traffic in the area.

Ms. Maxwell said people have a right to rely on zoning that is in place and that it is to the detriment of the Planning Commission if they do not stand up for that.

Ms. Maxwell **made a motion** to recommend to the Township Board that the request for the conditional rezoning of 8447 Stadium Drive, parcel 05-33-403-010, be denied on the following findings of fact:

1. The property can be reasonably used under its current split zoning of C, Local Business and R-2, Residence. A smaller commercial operation could be permitted to operate on the northern portion of the parcel, subject to compliance with the Township's Zoning Ordinance.
2. The proposed use – 12,480 square foot store – is not supported by the Oshtemo Township Master Plan.
3. A change of the existing zoning boundaries would not be compatible with the existing land uses within the immediate area.
4. Adequate sites across the Township, which are zoned C, Local Business, are available, which would not require a conditional zoning.
5. There have been no apparent changes in conditions in the area that would support an increase in expanding the C, Local Business District.
6. The proposed rezoning would impact the natural characteristics of the area.

7. The proposed rezoning has not identified and immediate need for an increase in the C, Local Business District designation within this area of the Township.

Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item and asked Mr. Mucha for his report.

**PUBLIC HEARING – PUD CONCEPT PLAN – THE HAMPTONS**

**Marroll LLC requested approval of a Conceptual Plan for a Residential Planned Unit Development (PUD), located at parcel number 05-14-130-017 and a portion of 6660 W. Main Street.**

Mr. Mucha provided background and review of the PUD Conceptual Plan submitted by Thomas Carroll, Manager of Marroll, for North 9<sup>th</sup> Street parcel 05-14-130-017 and W. Main Street parcel 05-14-185-022.

He indicated the site is approximately 10.08 acres with frontage along North 9<sup>th</sup> Street and that the applicant proposed to acquire an additional 10 acres of land via a land division from 6660 West Main Street. The combination would increase the project site to 20 acres, the minimum area required to develop as a Planned Unit Development, and will be required for final site plan approval. The current request is for a conceptual plan submitted by the applicant that provided a higher level of detail than required for phase 1 and phase 2 of the development. He noted some items, such as landscaping, will be reviewed in greater detail during the site plan analysis, which will take place after conceptual plan approval if granted.

The applicant proposed to construct 15 four-plex buildings (60 units total) and a future senior housing complex in 3 phases. Phase 1 would include 48 units; phase 2 will include an additional 12 units; phase 3 includes a senior housing complex. A clubhouse, pool and associated parking lot were proposed within phase 1.

Mr. Mucha indicated staff has been working with the applicant for a year on development of the proposal. He reviewed the PUD zoning requirements and indicated standards have been met; he noted those not yet described, including a phasing plan, would need to be included in a subsequent full site plan request if the conceptual plan were approved by the Planning Commission.

The items that would need to be addressed prior to full site plan approval:

**Planning & Zoning**

1. Site triangles shall be shown for the off-street parking areas: this will ensure adequate site distance is achieved and vehicle-vehicle conflict potential is reduced.
2. Parking spaces need to be a minimum of 10 feet wide by 20 feet deep.
3. No parking will be permitted on-street due to the proposed street width; signs shall be placed along the street to note this.



4. The landscape easement that runs east-west along the property shall be amended and/or replaced with a new easement to incorporate the overall improved stormwater basin design.
5. Land combination is submitted for review and approval by the Township, combining the subject site with the northern portion of 6660 West Main Street, as shown on the submitted conceptual plans.

#### Oshtemo Township Fire Department

1. The proposed monument sign is blocking the turning access into the plat. A 30/50 turning radius shall be required. The driveway entrance shall meet the 30/50 turning radius. Site plan page 1 identified as Truck Turn Exhibit, shows two different scales. Neither will allow for a 30/50 turning radius with a monument sign in the middle for ingress or egress.
2. Building sizes are needed to confirm fire flow requirements for fire hydrant placement.

#### Oshtemo Township Engineer

1. A RCKC driveway permit will be required for the entrance with a trip generation study to determine if turn lanes are required.
2. ADA parking spaces must be constructed to ADA standards with concrete.
3. A concrete ADA ramp is required at the driveway entrance on 9<sup>th</sup> Street.
4. 20-foot public trail easement must connect to the existing trail to the north.
5. Provide detailed calculations for basin sizing based on Kalamazoo County Drain Commissioner requirements.

#### Recommendations from McKenna

The conceptual Plan for “The Hamptons” planned unit development project has been reviewed for compliance with the Oshtemo Township Ordinance and other regulatory requirements. A positive recommendation from the Oshtemo Planning Commission to the Township Board can be given for conceptual plan approval for the project entitled “The Hamptons” subject to the following:

1. Conceptual plan approval is not a site plan approval. The conditional approval provides general guidelines and “big picture” details.
2. Until such a time as the private road moratorium has either been lifted or expired, site plan submission cannot take place.
3. Phase 2 & Phase 3 shall not commence until a secondary access has been installed on the subject site.
4. A detailed phasing plan will be required upon site plan submission.

Chairperson Doorlag thanked Mr. Mucha for his report and recommendations and asked if Commissioners had questions.

Mr. Ford confirmed with Ms. Lubbert that the plan will include interior sidewalks and a shared use path.

Mr. Ford was concerned about what would happen with phase 2 if the Township is unable to provide a public road.

Attorney Porter confirmed if there is no public road phase 2 cannot be done. The conditions of approval make that clear: the developer cannot go forward with phase 2 without road access.

Mr. Longstreth spoke on behalf of the applicant, indicating phase 1 includes a total of 48 units; phase 2 includes 12 units. The proposed senior living facility is phase 3; it will be a 55+ community.

He indicated the road moratorium caught them off guard. They had planned to break ground this fall, but there will be a delay until the road issue is settled. He indicated private streets would provide flexibility for on street parking as well as traffic calming measures.

Ms. Lubbert said the consultant for private roads was hired recently, that there is a 6-month moratorium on private roads, and that the consultant should finish their work before the end of the year.

She also said the plans for the overflow retention pond agreement are going well between Meijer and the developer.

Ms. Lubbert also indicated one written communication was received from Menards regarding pre-existing conditions with regard to noise from their store and lumberyard. A copy of the letter is attached to these minutes.

It was the consensus of the Commissioners that they liked the plan as submitted.

Mr. Ford **made a motion** to approve "The Hamptons" PUD Conceptual Plan for a Residential Planned Unit Development located at 6660 West Main Street, parcel number 05-14-130-017 on the following conditions of approval:

1. Conceptual plan approval is not a site plan approval. The conditional approval provides general guidelines and "big picture" details.
2. Until such a time as the private road moratorium has either been lifted or expired, site plan submission cannot take place.
3. Phase 2 & Phase 3 shall not commence until a secondary access has been installed on the subject site.
4. A detailed phasing plan will be required upon site plan submission.

Chairperson Doorlag **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

## **PUBLIC HEARING – ORDINANCE – WIRELESS TELECOMMUNICATION FACILITY PROVISIONS**

### **Consideration to repeal Article 49.80 – Communication Towers of the Township Ordinance and adopt proposed Article 59 - Wireless Telecommunications Facilities.**

Ms. Lubbert noted that 5G, a fifth-generation technology standard for broadband cellular networks and often linked to driverless cars, and other small cell wireless facilities are becoming more and more popular throughout the United States. She said federal regulations have required that municipalities allow for these types of facilities. Currently the Township's ordinance does not provide any guidance for small cell wireless facilities. The general ordinance and zoning ordinance need to be updated if the Township wants to have control over where and how these facilities are placed.

With the Planning Commission's and Township Board's approval, a contract was entered into with McKenna Associates on November 5, 2021 to develop ordinance that addresses 5G. Planning and Legal staff worked closely with McKenna in this effort. A survey to inform the work was created and posted in May 2022. 394 responses were collected. Based on the information collected and State regulations, Article 59 - Wireless Telecommunication Facilities and Section 238.000 – Small Cell Wireless Communication Facilities Deployment Ordinance were drafted. Article 59 provides controls for all forms of wireless telecommunication facilities that would be placed on private property, including but not limited to: Micro Wireless Facilities, Small Cell Wireless Facilities, and Communication Towers (Wireless Facility Support Structures). Section 238.000 provides controls for all forms of small cell wireless telecommunication facilities that would be placed within Public and Private rights-of-ways.

Ms. Lubbert noted the Planning Commission has purview over the Zoning Ordinance and not the General Ordinance. Section 238.000 has been provided only for context and would be moved to the Township Board for consideration alongside Article 59 with the goal of requiring any new development to co-locate whenever possible in order to minimize impact.

Ms. Lubbert walked the group through proposed Article 59, answered questions and responded to suggestions for changes.

Chairperson Doorlag opened the public hearing, determined no members of the public had comments and closed the hearing.

Mr. Ford **made a motion** to repeal Article 49.80 – Communication Towers and approve Article 59 – Wireless Telecommunication Facilities, as presented with one amendment from the group related to the “Geographically Exempt Facility”, for recommendation to the Township Board. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved the meeting to a work session at 7:36 p.m. to consider the next agenda item.

**WORK SESSION:**

**a. Discussion, Solar Energy Systems Ordinance**

Attorney Porter provided a draft of the Solar Energy Systems Ordinance that was introduced at the August 10<sup>th</sup> meeting for further discussion.

He led the group through the proposed ordinance answering questions and making changes as per Commissioner discussion.

The consensus of Commissioners was that staff should make the changes to the document as discussed, and bring the updated proposed ordinance for public hearing at the September 19, 2023 Planning Commission meeting.

Chairperson Doorlag moved to the next agenda item.

**OTHER UPDATES AND BUSINESS**

Ms. Lubbert announced she would be leaving the Township for personal reasons and that her last day would be December 22, 2023. The Planning Director position will be posted soon.

Commissioners were sorry to hear she would be leaving and noted all the accomplishments during her tenure.

Mr. Ford indicated he recently learned that the “Continuum of Care” rental assistance program turned away all Oshtemo residents seeking rental assistance because the Township is not a partner. If the Township contributes to the organization its residents could be considered in the future.

Attorney Porter will do some research to see if or how that could be done.

**ADJOURNMENT**

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 8:36 p.m.

Minutes prepared:  
August 25, 2023

Minutes approved:  
\_\_\_\_\_, 2023



August 7, 2023

**Sent Via US Mail**

Oshtemo Charter Township Planning Commission  
7275 W. Main Street,  
Kalamazoo, MI 49009-9334  
[E] oshtemo@oshtemo.org

**RE: Written Comments for Marroll LLC, Planned Unit Development for Parcel 05-14-130-017 and a portion of 6660 W Main Street**

Dear Members of the Oshtemo Charter Township Planning Commission,

Menard, Inc. is in receipt of a public notice regarding the proposed Planned Unit Development request by Marroll LLC for parcel number 05-14-130-017 and a portion of 6660 W Main Street.

Menards currently operates a retail store and lumberyard adjacent to the proposed development. Where Menards shares in the desire for growth, prosperity, and the continued development of Oshtemo Charter Township, the operation of the Menards property, like similar large retail establishments, generates certain levels of noise, traffic, and light. Menards respectfully requests that the proposal before the commission be considered with these pre-existing conditions in mind. Menards further requests that any approval be conditioned on the acknowledgement by all parties of the foreseeable issues that may result by being in close proximity to an existing retail store and lumber yard.

Please include this letter as part of the official public hearing transcripts of the upcoming Oshtemo Charter Township Planning Commission meeting. Thank you for your time and consideration.

Respectfully,  
**Menard, Inc.**

**Patrick P. Schaffer**  
Corporate Counsel  
Menard, Inc. - Properties Division  
5101 Menard Drive, Eau Claire, WI 54703  
[pschaff@menard-inc.com](mailto:pschaff@menard-inc.com)  
[P] 715-876-4147

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**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A SPECIAL MEETING HELD AUGUST 29, 2023**

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**Agenda**

**PRESENTATION OF THE OSHTEMO TOWNSHIP HOUSING PLAN FINAL  
DRAFT**

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A special meeting of the Oshtemo Charter Township Planning Commission was held Tuesday, August 29, 2023, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett  
Zak Ford, Board Liaison  
Scot Jefferies  
Micki Maxwell, Vice Chair  
Alistair Smith

MEMBER ABSENT: Phil Doorlag, Chair  
Scott Makohn

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, LeeAnna Harris, Zoning Administrator, Martha Coash Recording Secretary, and Emily Petz, W. E. Upjohn Institute for Employment Research.

**Call to Order and Pledge of Allegiance**

In the absence of Chairperson Doorlag, Vice Chair Maxwell called the meeting to order at 6:00 p.m. and invited those present to join in the Pledge of Allegiance.

**Approval of Agenda**

Hearing no requests for changes to the agenda, Vice Chair Maxwell moved to the next agenda item.

**Public Comment on Non-Agenda Items**

There were no members of the public in attendance.

**PRESENTATION OF THE OSHTEMO TOWNSHIP HOUSING PLAN FINAL DRAFT**

Ms. Lubbert said the objective for the evening was consideration to distribute the Oshtemo Township Housing Plan final draft for a 63-day comment period per the Michigan Planning Enabling Act, for recommendation to the Township Board.

She noted that In October 2021, Oshtemo Township entered into a contract with W.E. Upjohn Institute for Employment Research to develop a housing plan. The plan would investigate existing housing conditions within the community, as well as suggest strategies to improve current conditions and address future housing needs.

She said a final draft of the Oshtemo Township Housing Plan was ready for review and consideration and that Emily Petz, with the Upjohn Institute, would present highlights of the housing plan to the Planning Commission.

Ms. Emily Petz reviewed each chapter of the final draft of the Oshtemo Township Housing Plan 2023: 1) Introduction, 2) Housing Assessment, 3) Oshtemo Responses to the Kalamazoo County Survey, 4) Oshtemo Survey Results, 5) Housing Supply and Demand, 6) Goals, Objectives, and Strategies, and 7) Appendix. Commissioners participated in discussion regarding the plan and the next steps to be taken, asked questions, and made a few changes to the document.

It was determined the group was satisfied with the final draft and Vice Chair Maxwell asked for a motion.

Mr. Smith **made a motion** to move the final draft of the Oshtemo Township Housing Plan, including changes made during the meeting, to the Township Board, with the recommendation to establish a 63-day comment period for public consideration. Mr. Ford **seconded the motion.** The **motion was approved unanimously.**

The group thanked Ms. Petz for her work guiding the Commission through the lengthy process to produce the final draft plan.

Ms. Lubbert noted that this plan was really the first step in addressing housing concerns within the Township; she reminded the Commission members that each of the strategies listed in the plan will require additional work and consideration. She noted that the full implementation of the plan will most likely require expanding the Township's staffing and/or the creation of a Housing Department.

Vice Chairperson Maxwell moved to the next agenda item.

### **OTHER UPDATES AND BUSINESS**

There were no updates or other business to consider.

### **ADJOURNMENT**

With there being no further business to consider, Vice Chairperson Maxwell adjourned the meeting at approximately 7:12 p.m.

Minutes prepared: August 31, 2023

Minutes approved: \_\_\_\_\_, 2023





September 6, 2023

**Mtg Date:** September 14, 2023  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Public Hearing: Height Standards for Single-Family and Two-Family Dwellings

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Objective:

Consideration to amend Sections 2.20 Definitions, 42.30 Development Standards, and 50.30 Residential Dwelling Standards of the Township Zoning Ordinance in order to adopt height standards for single-family and two-family dwellings, for recommendation to the Township Board.

Background:

While constructing the recently adopted Airport Ordinance, Staff became aware that the Township Ordinance does not set height limitations for a majority of single-family and two-family dwellings. To ensure that the intent of the airport ordinance can be fully executed, height standards for all single-family and two-family dwellings are needed.

Based on research on neighboring communities and discussions with the Planning Commission, Staff recommends adopting a maximum height of 35 feet for single-family and two-family dwellings. This proposed height is consistent with the height standards of neighboring communities: Texas Township, Alamo Township, Almena Township, and Portage. In addition to proposing the adoption of a maximum height, clarifying and expanding on the definition of Height, for how to determine the height of a structure, is also being recommended.

Attachments: Proposed amendments to Sections 2.20 Definitions, 42.30 Development Standards, and 50.30 Residential Dwelling Standards (proposed changes are in red)

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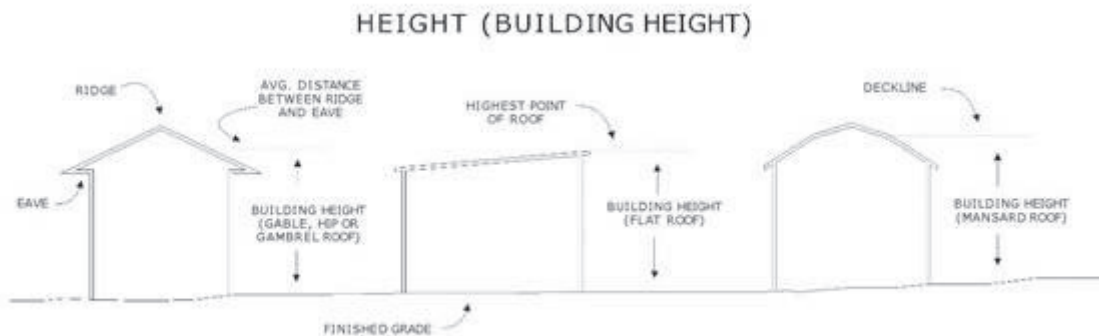
## 2.20 DEFINITIONS

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**Height (building height)** - ~~The vertical distance of a building measured from the average elevation of the adjacent finished grade to the highest point of the coping of a flat roof, to the average height between eaves and ridge for a gable, hip or gambrel roof, and to the deck line of a mansard roof.~~ Building height shall be measured from the elevation of the average of the highest and lowest adjacent finished grade to:

1. Mansard, Gable, Hip, or Gambrel Roof. The average height between the eaves and ridge.
2. Parapet/Flat Roof. The highest point of the roof.
3. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the Zoning Administrator

In the case of artificially raising the natural grade of the building site, the average high and low point of the pre-existing natural grade shall be used when calculating building height.



## 50 – SCHEDULE OF REGULATIONS

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### 50.30 RESIDENTIAL DWELLING STANDARDS

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A building, mobile home, pre-manufactured or pre-cut dwelling structure designed and used for a single-family or two-family dwelling shall comply with the following standards:

- A. The minimum floor to ceiling height shall be 7.5 feet.
- B. Building height shall not exceed 35 feet in Height.**
- C. At least 50 percent of the longest side of a dwelling must also have a depth of not less than 24 feet. In the case of a single story, two-family dwelling, at least 50 percent of the longest side of each dwelling unit shall have a depth of not less than 24 feet.
- D. Be permanently attached to a solid foundation or in the case of mobile homes, connected to piers, constructed on the site in accordance with the Michigan Building Code and any manufacturer's specifications. The dwelling shall be fully enclosed with a permanent wall around its perimeter extending from the footing or slab to the ground

floor. The perimeter wall shall be constructed of concrete, concrete block, wood, or other material, comparable to those used to construct the foundation of site-built homes; in no case shall metal, plastic or vinyl skirting be utilized.

- E. No exposed wheels, towing mechanisms, undercarriage, or chassis will be permitted. Any space that may exist between the foundation and the ground floor of the dwelling will be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
- F. The dwelling will be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- G. The dwelling must contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- H. The dwelling must contain no additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure.
- I. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Michigan Building Code, then and in that event, the less stringent federal or state standards or regulation will apply.
- J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required in the ordinance of the Charter Township of Oshtemo pertaining to such parks.
- K. Energy-saving earth shelter homes shall be constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or constructed with a roof which is not completely earth-covered having a slope with at least a five-inch rise for each 12 inches of run, and in either case, containing at least one exposed vertical exterior elevation not less than 7.5 feet in height by 24 feet in width designed and constructed in accordance with Michigan Building Code regulations pertinent thereto and without any accommodation for any dwelling units above ground.

## **42 – RESIDENTIAL CONDOMINIUM DEVELOPMENT STANDARDS**

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### **42.30 DEVELOPMENT STANDARDS**

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- A. Density. The overall density of a condominium development shall be as follows:
  - 1. R-2 District – 4 dwelling units per acre
  - 2. R-3 District – 4 dwelling units per acre

3. R-4 District – 6 dwelling units per acre

- B. In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.
- B. Units per Building. A two-unit building shall be permitted in the R-2 District. Up to a four-unit building shall be permitted in the R-3 and R-4 Districts.
- ~~L. Height. No unit shall be taller than two stories or 25 feet in height. Building height shall not exceed 35 feet in Height.~~

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September 7, 2023

**Mtg Date:** September 14, 2023  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Public Hearing: Solar Energy Systems

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Objective:

Consideration to adopt Article 60 – Solar Energy Systems to permit and regulate Solar Energy Systems within the Township, for recommendation to the Township Board.

Background:

The Township currently has no comprehensive general ordinance or zoning ordinance provisions to appropriately address the development of commercial Solar Energy Systems within the Township. Given the industries need to quickly develop such infrastructure, it is imperative to develop appropriate general and zoning ordinance provisions to ensure that the development of Solar Energy Systems within the Township are done in a manner consistent with the adopted Master Land Use Plans of the Township and to ensure compatibility with other existing developments. Based on research and discussions with the Planning Commission, Legal and Planning staff recommend adopting Article 60 to address Solar Energy Systems within the community.

Attachments: Article 60 - Solar Energy Systems

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OSHTEMO CHARTER TOWNSHIP ORDINANCE NO.

Adopted: \_\_\_\_\_, 2023

Effective: \_\_\_\_\_, 2023

An Ordinance to amend the Oshtemo Township Zoning Ordinance Article 60 to permit and regulate Solar Energy Systems in the Township.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

**SOLAR ENERGY SYSTEMS**

**SECTION I INTENT AND PURPOSE:**

1. Purpose: The most common and prevalent land use in Oshtemo Charter Township is Residential. This Ordinance is intended to protect the health, safety, and welfare of the residents of the Township and to encourage the safe, effective, efficient, and orderly development and operation of Solar Energy Systems in the Township while preserving and protecting the character and stability of residential, agricultural, recreational, commercial, and other areas of the Township.
2. Specific locations within the Township may best support the implementation of Solar Energy Systems. To prepare for potential Solar Energy Systems projects within the Township, this Ordinance will permit smaller accessory systems but larger systems will be required to obtain a Special Land Use Permit to ensure Solar Energy Systems are appropriately located so as to protect the character and stability of the Townships residential, agricultural, recreational, commercial and/or industrial areas, open space, views, aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

**FINDINGS**

1. This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Townships important and sensitive environmental and ecological assets and areas, open space, views, aesthetics, wetlands, and other ecological and environmentally sensitive areas.
2. The general welfare health, and safety of the citizens of the Township will be protected

with the enactment of this Ordinance.

## **SECTION II DEFINITIONS:**

### **For the purposes of the definitions contained herein, SES shall mean Solar Energy Systems.**

**Accessory Building-Integrated SES:** A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**Accessory Ground-Mounted SES:** A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.

**Accessory Roof-Mounted SES:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure with the purpose primarily of generating electricity for the principal use on the site.

**Dual Use:** A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
- Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

**Ground-Mounted SES:** A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

**Invasive Plant:** Non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Those species not permitted are listed on the Midwest Invasive Species Information Network at [www.misin.edu](http://www.misin.edu)

**Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

**Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

**Non-Participating Lot(s):** One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

**Participating Lot(s):** One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.

**Photovoltaic (PV) System:** A semiconductor material that generates electricity from sunlight.

**Principal-Use SES:** A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

**Principal-Use (Large) SES:** A Principal-Use SES generating more than 2 MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market and encompassing more than twenty acres.

**Principal-Use (Small) SES:** A Principal-Use SES generating up to and including 2 MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market and encompassing less than twenty acres.

**Repowering:** Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

**Solar Array:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

**Solar Carport:** A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

**Solar Energy System (SES):** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

**Solar Thermal System:** A system of equipment that converts sunlight into heat.

**Wildlife-Friendly Fencing:** A fencing system with openings that allow wildlife to traverse over or through a fenced area.

### **SECTION III GENERAL PROVISIONS:**

Permitted Accessory Uses:

- A. Accessory Roof-Mounted SES
- B. Accessory Ground-Mounted SES
- C. Accessory Building-Integrated SES

Roof-Mounted SES, Accessory Ground-Mounted SES, and Building-Integrated SES are permitted in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

All Accessory SES will require administrative review and approval by the Planning Department. The permits by the Planning Department shall be in addition to building or electrical permits required.

#### A. ACCESSORY ROOF-MOUNTED SES

1. **Application:** All SES applications must include a site plan. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Roof mounted SES will be evaluated and if they weren't Ordinance regulated shall be granted administrative approval.
2. **Height:** Roof-Mounted SES shall not exceed 5 feet above the finished roof in residential zoning districts. Roof-Mounted SES shall not exceed 10 feet above the finished roof in commercial, industrial, and agricultural districts. Roof-Mounted SES are exempt from any rooftop equipment or mechanical system screening.
3. **Nonconformities:** A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.
4. **Reflective Glare:** A Roof-Mounted SES shall be constructed to minimize any reflective glare onto neighboring properties.

#### B. ACCESSORY GROUND-MOUNTED SES

1. **Application:** All SES applications must include a site plan. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted administrative approval.
2. **Height:** Ground-Mounted SES shall not exceed 12 feet in the Residential or Commercial Zoning District and 20 feet in the Agricultural or Rural Residential Zoning District, measured from the ground to the top of the system when oriented at maximum tilt.
3. **Setbacks:** A Ground-Mounted SES must be a minimum of 5 feet from the property line or one half the height of the Ground-Mounted SES at Maximum Tilt, whichever is greater. Setback distance is measured from the property line to the closest point of the SES at Minimum Tilt.
4. **Lot Coverage:** The area of the Solar Array shall not exceed 50 % of the square footage of the primary building of the property unless it is sited over required parking

(i.e. solar carport), in which case there is no maximum lot coverage for the Ground-Mounted SES. A Ground-Mounted SES shall not count towards the maximum number or square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.

**5. Visibility (Residential):** A Ground-Mounted SES in all residential districts shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).

**a.** Ground-Mounted SES may be placed in the front yard with administrative approval, where the applicant can demonstrate that placement of the SES in the rear or side yard will:

**i.** Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;

**ii.** Interfere with septic system, accessory structures, or accessory uses; or

**iii.** Require the SES to be placed on the waterfront side of the building housing the primary use [where applicable].

**6. Exemptions:** A SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular device is exempt from Section 4 [Ground-Mounted SES provisions].

**7. Nonconformities:** A Ground-Mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.

**8. Reflective Glare:** A Roof-Mounted SES shall be constructed to minimize any reflective glare onto neighboring properties.

#### **C. ACCESSORY BUILDING-INTEGRATED SES:**

**1.** Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

### **SECTION IV SPECIAL LAND-USE STANDARDS:**

Permitted Special Uses with Conditions:

- A. Small Principal-use SES
- B. Large Principal-use SES

All applications for a Small or Large Principal-Use SES shall follow the application and review requirements of Article 65 for Special Uses. All requests to construct a Small or Large Principal-Use SES shall be reviewed by the Planning Commission.

## **A. SMALL PRINCIPAL-USE SES:**

A Small Principal-Use SES is a special use with conditions in Agricultural and RR Rural Residential Zoning Districts or in the Commercial and Industrial Districts, if located on an existing impermeable surface of a preexisting use, subject to site plan review and shall meet all the following requirements:

For Small Principal-Use SES covering pre existing impervious surfaces, surfaces are exempt from: landscaping, ground cover, and fencing provisions set forth below.

- 1. Height:** Total height shall not exceed 20 feet measured from the ground to the top of the system when oriented at maximum tilt.
- 2. Setbacks:** Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
  - a.** A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district as outlined in Article 50.
  - b.** A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way (front yard) setbacks shall apply as outlined in Article 50.
- 3. Fencing:** A Small Principal-Use SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 6 feet in height or up to 8ft in the Commercial or Industrial Districts. Barbed wire is prohibited. Fencing is not subject to setbacks.
- 4. Screening/Landscaping:** A Small Principal-Use SES shall be designed to follow the screening and/or landscaping standards set forth in Sec 53.40 B-F for the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.
  - a.** In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
  - b.** When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing non-participating residential uses and public uses.

- c. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance and is appropriately documented (e.g. abutting participating lots; existing vegetation).
  - d. Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a Small Principal-Use SES, which may include plantings, strategic use of berms, and/or fencing.
- 5. **Ground Cover:** A Small Principal-Use SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
  - a. An SES utilizing agrivoltaics is exempt from perennial ground cover requirements for the portion of the site employing the dual-use practice.
  - b. Project sites with majority existing impervious surface or those that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, are exempt from ground cover requirements. These sites must comply with the on-site stormwater requirements of the ordinance and reviewed and approved by the Township Engineer.
- 6. **Lot Coverage:** A Small Principal-Use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
- 7. **Land Clearing:** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
- 8. **Access Drives:** New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation. All access drives must be approved by the Road Commission of Kalamazoo County.
- 9. **Wiring:** SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
- 10. **Lighting:** Lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

11. **Signage:** An area up to 30 square feet [should be consistent with the district or sign type standard] may be used for signage at the project site. Any signage shall meet the setback, illumination, and materials/ construction requirements of the zoning district for the project site.
  12. **Sound:** The sound pressure level of a Small Principal-Use SES and all ancillary solar equipment shall not exceed 40 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
  13. **Repowering:** In addition to repairing or replacing SES components to maintain the system, a Small Principal-Use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
    - a. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request.
  14. **Decommissioning:** Upon application, a decommissioning plan shall be submitted indicating the anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
    - a. An SES owner may at any time:
      - i. Proceed with the decommissioning plan approved by the Planning Commission under this Section and remove the system as indicated in the most recent approved plan; or
      - ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
    - b. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be completed within 18 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.
- B. LARGE PRINCIPAL-USE SES:** A large principal-use SES is a special land use in the Agricultural and RR Rural Residential Zoning Districts specified and shall meet the following requirements:
1. **Height:** Total height for a large principal-use SES shall not exceed the maximum allowed 20 feet.



2. **Setbacks:** Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
  - a. In accordance with the setbacks for principal buildings or structures for the zoning district or at least 50 feet from the property line of a non-participating lot, whichever is greater.
  - b. 100 feet from any existing dwelling unit on a non-participating lot.
  - c. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way (front yard) setbacks shall apply.
3. **Fencing:** A large principal-use SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 6 feet in height. Barbed wire is prohibited. Fencing is not subject to setbacks.
4. **Screening/Landscaping:** A large principal-use SES shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.
  - a. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
  - b. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing non-participating residential uses.
  - c. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
  - d. Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a large principal-use SES, which may include plantings, strategic use of berms, and/or fencing.
5. **Ground Cover:** A large principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. Vegetation establishment must include invasive plant species and noxious weed control. The following standards apply:

a. Sites bound by a Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development’s Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.

b. Ground cover at sites not enrolled in PA 116 must meet one or more of the four types of Dual Use defined in this ordinance.

i. Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

ii. Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

iii. Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

iv. Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

c. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

**6. Agricultural Protection:** For sites where agriculture is a permitted use in a district, a large principal-use SES may be sited to minimize impacts to agricultural production through site design and accommodations including:

a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction, [and/or]

b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible, [and/or]

c. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the SES, [and/or]

- d. Siting the SES to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains, or
7. **Lot Coverage:** A large principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
8. **Land Clearing:** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
9. **Access Drives:** New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation. All access drives must be approved by the Road Commission of Kalamazoo County.
10. **Wiring:** SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
11. **Lighting:** Large principal-use SES lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
12. **Signage:** An area up to 30 square feet may be used for signage at the project site. Any signage shall meet the setback, illumination, and materials/ construction requirements of the zoning district for the project site.
13. **Sound:** The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 40 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
14. **Repowering:** In addition to repairing or replacing SES components to maintain the system, a large principal-use SES may at any time be repowered, without the need to apply for a new special land-use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
  - a. A proposal to change the project footprint of an existing SES shall be considered

a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify an SES will be reimbursed to the Township by the SES owner in compliance with established escrow policy.

**15. Decommissioning:** A decommissioning plan is required at the time of application.

- a.** The decommission plan shall include:
  - i.** The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district,
  - ii.** The projected decommissioning costs for removal of the SES (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands,
  - iii.** The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit), and
- b.** A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every 5 years, for the life of the project, and approved by the Township Board. An SES owner may at any time:
  - i.** Proceed with the decommissioning plan approved by the Planning Commission under this Section and remove the system as indicated in the most recent approved plan; or
  - ii.** Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
- c.** Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

**SECTION V EFFECTIVE DATE:**

This Ordinance will take effect upon Publication after Adoption in accordance with state law. Ordinances, or parts Ordinances, are in conflict herewith are hereby suspended until the Moratorium provisions of this Ordinance are otherwise amended or repealed.

DUSTY FARMER, CLERK, OSHTEMO CHARTER TOWNSHIP