

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MAY 11, 2023

Agenda

PUBLIC HEARINGS:

MORATORIUM ON PRIVATE ROADS/STREETS

**MORATORIUM ON COMMERCIAL SOLAR AND COMMERCIAL WIND
TECHNOLOGIES**

WORK SESSION:

INTRODUCTION, AIRPORT ORDINANCE

STEERING COMMITTEE, OSHTEMO HOUSING STUDY

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 11, 2023, commencing at approximately 6:01 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS WERE PRESENT: Anna Versalle, Chair
Micki Maxwell, Vice Chair
Phil Doorlag
Deb Everett
Zak Ford, Township Board Liaison
Scot Jefferies
Alistair Smith

Also present: Iris Lubbert, Planning Director, James Porter, Attorney, Martha Coash, Recording Secretary and six guests, including Emily Petz from the W.E. Upjohn Institute.

Call to Order and Pledge of Allegiance

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

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, she moved to the next agenda item.

Public Comment on Non-Agenda Items

Mr. Curt Aardema, AVB, 4200 W. Centre Street, noted he had copies of the American Planning Association of Michigan's Zoning Reform Toolkit to Commissioners with a brief description of current zoning challenges outlined in the document, largely due to 50 – 60 year old zoning codes that are no longer relevant.

Commissioners thanked Mr. Aardema and hearing no further comments, the Chair moved to the next agenda item.

Approval of the Minutes of the Meeting of April 27, 2023

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of April 27, 2023.

Hearing none, she asked for a motion to approve the minutes as presented.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of April 27, 2023 as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda.

MORATORIUM ON PRIVATE ROADS/STREETS

Ms. Lubbert asked Commissioners to consider a proposed ordinance for recommendation to the Township Board that would impose a Moratorium on all Private Roads/Streets, until such time as the Zoning Ordinance can be revised to incorporate the necessary revisions to address connectivity and access management to ensure public health, safety, and welfare, associated with the development of Private Roads/Streets.

She explained the Township Zoning Ordinance currently permits the use of Private Road/Streets within various types of developments. Throughout the Ordinance are varying qualifiers and design standards for Private Roads/Streets. Through recent development processes, faults with the various Private Road/Street Standards, or lack thereof, have come to light.

There is a need for a single Private Road/Street Ordinance to properly dictate where and how a Private Road/Street can be developed. Recognizing the need, staff received Township Board approval on April 11th to hire a consultant to work on a Private Road/Drive Ordinance. This ordinance will temporarily inform Private Road/Street standards for all future development within the Township until a more comprehensive review is completed during the larger master planning effort scheduled to start later this year.

She indicated a Moratorium was being requested until the new Private Road/Drive Ordinance is adopted so to avoid additional connectivity, access management, and public health, safety, & welfare issues from being created within the Township. The Moratorium will affect new projects only; it will not delay any projects currently underway.

It is expected the new ordinance can be put in place within six months.

Attorney Porter noted the courts favor a short duration for moratoriums.

Chairperson Versalle determined no one from the public nor any Commissioners wished to comment and asked for a motion.

Mr. Smith **made a motion** to recommend that the Township Board adopt the recommended a Zoning Moratorium Ordinance on all Private Roads and Private Streets for a maximum of six months, until the Zoning Ordinance can be revised to incorporate necessary revisions. Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda.

MORATORIUM ON COMMERCIAL SOLAR AND COMMERCIAL WIND TECHNOLOGIES

Ms. Lubbert asked the Commission to consider an Ordinance for recommendation to the Township Board to impose a Moratorium on all Commercial Wind Energy Conversion Systems and Commercial Solar Arrays until such time as the Zoning Ordinance can be revised or developed in a way to ensure the public health, safety, and welfare associated with the development of Commercial Wind Energy Conversion Systems and/or Commercial Solar Arrays.

During a recent legal webinar covering Commercial Wind Energy Conversion Systems and Commercial Solar Arrays, it was brought to staff's attention that the Township Zoning Ordinance does not offer the proper protections against these types of developments.

Attorney Porter noted pressure on power companies to meet future requirements in Michigan which is resulting in their looking for land for development. We need our Ordinance updated to better define what constitutes an essential service so that whatever is allowed provides full protection, is compatible with the Township's priorities and fits in with the needs of the community. Requirements such as location, size, height, minimum acreage, setbacks, noise, glare, berms/barriers and impact on residential neighborhoods need to be addressed. He said the Ordinance could be updated within six months.

Mr. Ford asked what will happen if Consumers currently owns the land and wants to move ahead.

Attorney Porter said his position is that anything not permitted is prohibited. A moratorium will protect the Township.

He noted that if in the next few years local zoning is pre-empted it is possible the Ordinance may not help in the end, but we want to be sure that we have done what we can to make development compatible with Township goals.

Chairperson Versalle asked if members of the public wished to comment. As there were no public or Commissioner comments she asked for a motion.

Mr. Ford **made a motion** to recommend the Township Board adopt the proposed Ordinance to impose a Moratorium on all Commercial Wind Energy Conversion Systems and Commercial Solar Arrays until such time as the Zoning Ordinance can be revised or developed in a way to ensure the public health, safety, and welfare associated with the development of Commercial Wind Energy Conversion Systems and/or Commercial Solar Arrays. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

At this point in the meeting, the Chair moved to a work session for consideration of two agenda items.

WORK SESSION:

Introduction, Airport Ordinance

Attorney Porter noted there is a long existing private airport available for public use off West Main Street. Although a private landing strip is not subject to law under Michigan Airport Law, the State has indicated that to meet regulations the Township is required to develop an airport zoning ordinance chapter within the zoning text. This is not complicated, but will take some work.

He provided a rough draft addressing standards and noted the Zoning Board of Appeals would have the authority to grant variances, though it is expected any requests would be rare.

Mr. Bernie Mein, 10329 Skyview Drive, noted the airstrip has been in existence for over 60 years. About 24 planes are based there. The State does an annual inspection and their rules are followed. Neighbors are consulted when trees need to be removed to meet requirements for safety and are generally agreeable. There is no instrument monitoring available; fair weather flying only for small planes is allowed.

They sponsor a fly-in each August which attracts quite a few participants. There are some fly-ins for convenience when someone is visiting the area for an overnight

stay. He noted the Secret Service landed there some years ago during a Presidential visit. There are no fees attached for visitors using the airstrip. They are not under the jurisdiction of the FAA nor do they receive FAA funding.

Attorney Porter said inclusion of private airports in the Ordinance will provide some control. Enacting the ordinance is not necessary immediately, but we want the State to know it is in process. He expects to make some tweaks to the draft after hearing back from the State and will bring it back to the Commission for a public hearing in a couple of months.

Chairperson Versalle thanked Attorney Porter and Mr. Bernie Mein for their comments and moved to the next agenda item.

Steering Committee, Oshtemo Housing Study Report

Emily Petz, representative from the W.E. Upjohn Institute for Employment Research, continued work with the Planning Commission to identify appropriate tools and strategies for the Housing Study. She provided updated strategies for goals one, two, and three, based on the Commission's previous work session discussion.

The group worked through Goals 1 and 2, reviewing the strategies and making adjustments based on their discussion and suggestions from members of the public who were present.

Ms. Petz will return to the next meeting with an updated draft document for further consideration.

Note: Chairperson Versalle did not feel well and left the meeting during this discussion.

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

Ms. Lubbert told Commissioners two responses to the RFP for work on the Master Plan update were received. One firm will be interviewed next week.

ADJOURNMENT

With there being no further business to consider, Vice Chairperson Maxwell adjourned the meeting at approximately 8:33 p.m.

Minutes prepared:
May 12, 2023

Minutes approved:
May 25, 2023